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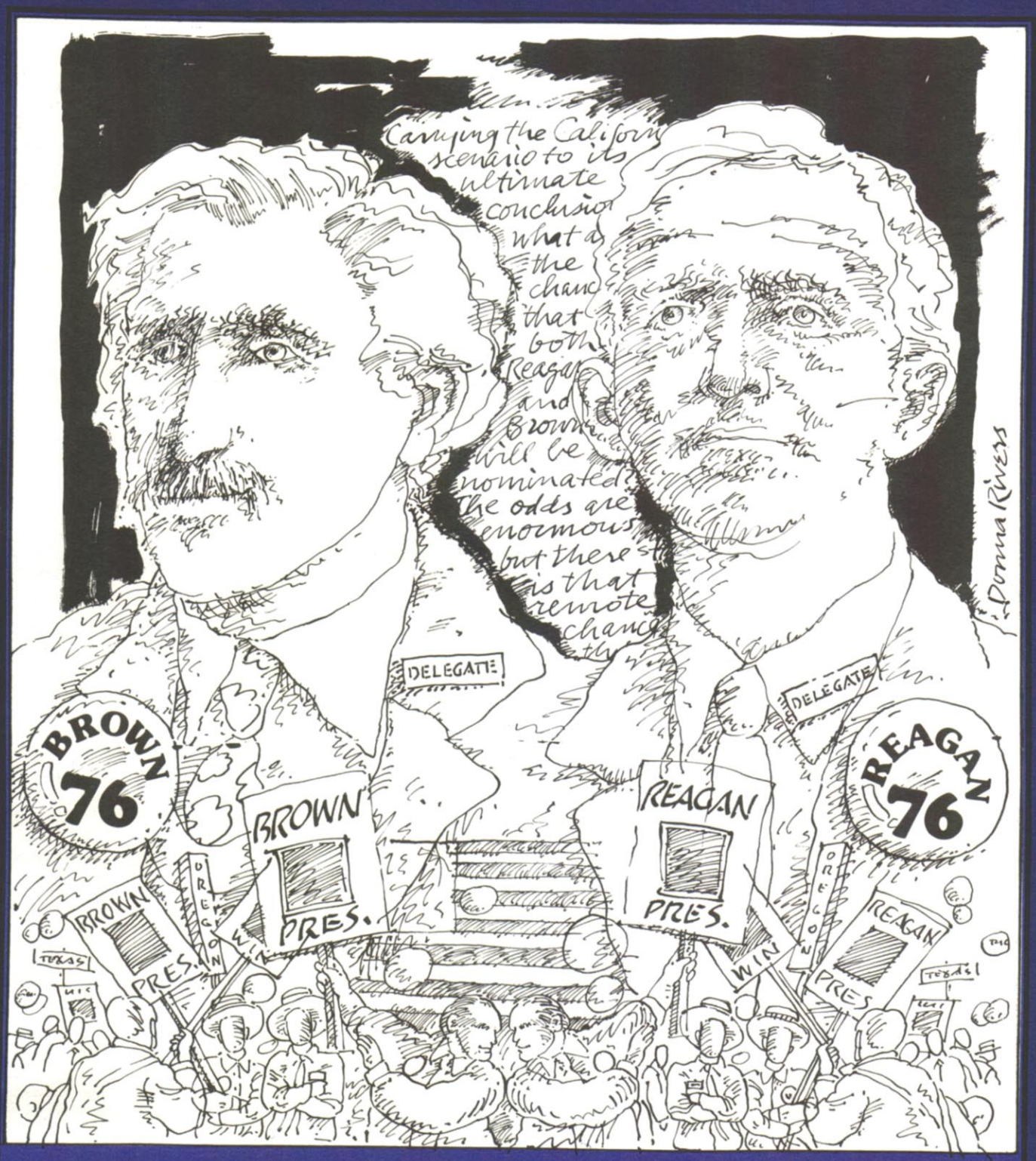
California Journal

THE MONTHLY REPORT ON STATE GOVERNMENT AND POLITICS



Scenario '76: Reagan vs. Brown for the White House?

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A PERSONAL PERSPECTIVE...

By Ed Salzman

A modest proposal . . .

A modest proposal for solving California's unemployment problem: Why doesn't the state contract with many of the unemployed to move to Nevada, register to vote there and then take the necessary steps to annex the great gambling state to California?

Such a move would give Californians complete control over the endangered environment of the Lake Tahoe area, which has seen a proliferation of casinos and other polluting influences on the Nevada side of the pearl of the Sierra. In an effort to halt Nevada development, Assemblyman Ed Z'berg has introduced a proposed constitutional amendment legalizing gambling in Placer and El Dorado counties outside the Tahoe Basin. But the measure would only take place upon the issuance of the next gaming license by Nevada within the basin.

What would be the effect of the Z'berg bill? Clearly, Nevada would not issue any additional gambling licenses because the economic competition from California-based casinos would be more than the struggling little state could bear. The current licensees in the basin would reap a bonanza from the guarantee of no additional competition. And the environment of the lake would be stabilized, precisely what Z'berg has in mind.

From an economic standpoint, the Z'berg bill doesn't go nearly far enough. The fact is that the prosperous gaming communities of Tahoe, Reno and Las Vegas extract their incomes mostly from California sources. It is California that provides most of the dollars earned by those employed in the industry and the magnates who own the casinos and ancillary industries. Reno and Vegas would become ghost towns if California established islands of legalized gambling closer to the state's population centers. And California's income and employment would rise. The casinos could be located so that they would not be readily available to the hoi polloi. Catalina Island would be a natural for the Southern California strip, and Alcatraz in the north. In an era when it is important that fuel usage be minimized, the savings in gasoline alone might warrant incentives for Californians to take the short swim to Avalon instead of the long, hot drive to Vegas.

Obviously, the reason why California has not chosen to keep its game-and-glitter dollars here is because there are many who think that what goes on in Nevada shouldn't go on anywhere. But gambling and other forms of entertainment provided in Nevada surely are victimless crimes, and Californians appear to be accepting the notion that government should get out of our bedrooms, smoking parlors and gambling dens.

While there can be moralistic reasons for letting Nevada maintain its casino monopoly, what can be the grounds for California allowing Nevada to steal a big hunk of the state's warehousing industry? Many years ago, California started to eliminate the property tax on business inventories, but the program now is stuck at the halfway mark. The tax is still sufficiently stiff to induce major firms to locate just across the border in places like Reno. J. C. Penney, for example, is spending about $50 million to build a catalog-distribution center in Reno that otherwise would have been located in California.

The inventory-tax problem is relatively simple to solve, especially if phased out over a period of years. Legalizing casino gambling is a much bigger bullet to bite. But we have all those unemployed. . . .

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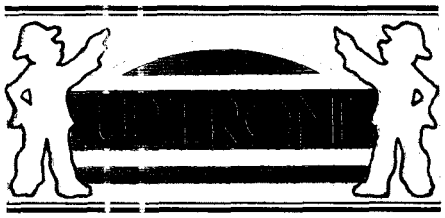

Didn't the president of the nation's largest automobile manufacturing firm threaten Governor Brown with economic sanctions unless the state eases up on its air-pollution standards?

The *Los Angeles Times* investigation of Lieutenant Governor Mervyn Dymally originally covered eight areas, and Dymally's offensive against the *Times* is designed to halt publication of any articles in the remaining seven areas.

The adverse publicity received by Dymally and Controller Ken Cory (on inheritance-tax-appraiser appointments) may pave the way for another shot at the governorship some day by Treasurer Jesse Unruh.

Martin Glick, who replaced the deposed Jim Lorenz as head of the state Employment Development Department, will soon learn what all his predecessors have discovered: The 13,000-employee, billion-dollar-a-year department has an unmanageable bureaucracy and an impossible mission.

Among the tasks assigned to Allard Lowenstein's "kiddie corps" of 40 interns in the Governor's office: researching presidential primaries for next year. Lowenstein, a former New York liberal congressman, claims he did not come to California to shop for a congressional district.

Edward J. Kirby is the latest in a series of former directors of the department of Alcoholic Beverage Control to join the industry he was previously charged with regulating.

Candidate Corner: Former state Senator Lawrence Walsh of Los Angeles County (remembered in Sacramento for pronouncing chaos as "choce" on the Senate floor) is gearing up for a run at a Senate seat in a new Orange County district .... Former Peace Corps Director Joe Blatchford has his eye on the safe Republican district apparently being abandoned by Congressman Alphonzo Bell of Los Angeles. Bell is running for the U.S. Senate .... Former Assemblyman Frank Holoman, defeated in a bid for the state Senate last year, may try to unseat the man who replaced him, Assemblyman Curtis Tucker, in the Democratic primary next year.

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The Longshot:

Reagan and Brown for the Presidency

Ed Salzman

Henry Kissinger said it best: "Power is the ultimate aphrodisiac." Former California Governor Ronald Reagan, a man who has tasted power himself, should not have been surprised to see some of his closest political allies defect to the camp of President Gerald Ford once the 1976 presidential competition started to flower. For it is Ford who reclines in the seat of power and is the favorite to carry the Republican banner for an opportunity to remain in office another four years.

Reagan has been running for the presidency ever since that day in 1966 when the voters of California converted him from the acting to the political profession. He went to the GOP national convention of 1968 proclaiming that he was nothing more than a favorite-son candidate and generally playing it coy. On the eve of the balloting, however, he announced that he could not ignore the demands of his delegates and so became a full-fledged candidate. It was too little, too late, and Richard Nixon demolished Reagan on the first ballot.

Reagan's chances

Now Reagan, at 64, has his second and last chance. And he finds himself immersed in one of the most complex political mechanisms in recent American history. He faces the problem of toppling a President who has never been elected from any greater constituency than one Congressional district in Michigan. And Reagan's run for the nomination, if he makes it, will be based not so much on direct opposition to Ford but to the man Ford selected as Vice President, the former New York governor, Nelson Rockefeller. For there is no doubt that, had Ford selected a conservative or even a non-controversial moderate, Reagan today would probably not even be toying with a run at the presidency. But Republican conservatives are emotional about Rockefeller; they detest him, and they cannot forgive the man who put him a heartbeat away from the presidency.

What chance does Ronald Reagan have of winning the GOP nomination for president? And, failing that, will the Republican throng in Los Angeles, Miami Beach or whatever metropolis is selected for the quadrennial rite, dump Rocky from the second spot on the ticket and replace him with Reagan (who is equally detested by the moderate wing of the party)?

And what of the Democratic convention in New York or Los Angeles? What are the chances that the convention, deadlocked for days and spurned by Senator Ted Kennedy, will turn to the enigmatic but phenomenally popular young Governor of California, Edmund G. Brown Jr? Again, what is the chance that Brown will be given the second spot on the national ticket?

Since Reagan has been running for president for years, the only question now is when and if he will make the formal announcement that he's opposing Ford in 1976. The only reason Reagan may withdraw is that he has concluded that the odds are too long for him to win either place on the ticket. Republican scenarios are not difficult to develop. Reagan must make a big splash in the early primaries, especially the first two in New Hampshire and Florida in March. They are almost ideal for Reagan and provide an opportunity for him to wound Ford almost mortally. If Reagan fails in these states, he will be forced to withdraw and concede the nomination of a Ford-Rockefeller ticket.

But on to New Hampshire. It will be recalled that in 1952, Harry Truman was still considering another run for the presidency, and the voters of the early-bird state knocked him out by going for Senator Estes Kefauver of Tennessee. And in 1968, another sitting President, Lyndon B. Johnson, won the New Hampshire primary, but the vote for the anti-war candidate, Eugene McCarthy, was so large that it took Johnson out and put Robert Kennedy in. On the surface, it appears that Reagan could defeat Ford in New Hampshire because the state has a conservative Republican governor, Meldrim Thomson, who is clearly in the Californian's camp. And the dominant newspaper in the state is run by a man, William Loeb, who backs conservatives to the hilt and with a heavy editorial hand.

So chalk up a big victory for Reagan in New Hampshire, and he immediately loses his status as an underdog. There have been claims that Reagan could count on virtually every Southern delegate — 28 percent of the men and women on the convention floor. If that assessment is anything near accurate, Florida could be solid Reagan country. He could even lose in New Hampshire and keep himself in the race with a victory in Florida. But Southern states are not so important in the overall scheme of things, and New Hampshire may well hold the key to everything.

Ford's future

Reagan will be able to go into the relatively small state of New Hampshire, where one can accomplish a great deal with a short bankroll, and charm the people as only he can. Ford, on the other hand, will have to remain in Washington and campaign through the power of the presidency and surrogates. By winning in New Hampshire and Florida, Reagan will be able to generate support for his campaign throughout the nation. He could well go into the California primary needing only a victory here to send him to the convention on even terms with Ford or better.

Obviously, some of Reagan's former associates don't

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buy this scenario. Otherwise, they would not have fled to Ford. They ran simply because they see a greater future for themselves and the party if Republicans everywhere unify behind the incumbent President. Ford has done exceptionally well breaking down Reagan's operation in California. He has picked off some of the former Governor's closest political allies and has embarrassed Reagan in his home country. Look at some of the names: Paul Haerle, state GOP chairman and former appointments secretary to Reagan; Henry Salvatori, oilman and one-time member of the Governor's Kitchen Cabinet; David Packard, industrialist and leading fund-raiser for conservative candidates; Bill Banowsky, Pepperdine president and national committeeman boosted by Reagan; Nita Ashcraft, Reagan appointee to the state Personnel Board. Lyn Nofziger, former Reagan communications director and the man apparently in charge of organizing the national campaign for Reagan, belittles such defections, claiming that these people control only their own votes.

But the Ford strategy is clear: It makes it look as though Reagan has lost control of his own political machine and Republicans of all persuasions are fleeing to the camp of the obvious winner.

Reagan is especially bitter about only three of the defections — Haerle, Ashcraft and Banowsky. Haerle supposedly broke a commitment not to take sides in the campaign so that the state would have a neutral chairman. Nita Ashcraft and her husband Hale, a former assemblyman who is a Reagan appointee to the Workmen's Compensation Appeals Board, will have received almost half a million dollars in state salaries as a result of Reagan's largesse. And Banowsky owes virtually all his political stature to Reagan, according to Reaganites.

Promises, promises

Nita Ashcraft was frank about why she made the change: "We had a hero in Ronald Reagan. We worked hard for him, and he made a great governor. But now we have an incumbent Republican President. We have a party duty to support him. . . . I'm not anti-Reagan; I'm pro-Ford. I simply made a practical, pragmatic decision to support Mr. Ford over Governor Reagan, and I don't think our party could stand a primary fight between them." The other side of the story comes from Holmes Tuttle, wealthy Los Angeles auto dealer and key member of the Reagan Kitchen Cabinet: "The White House panicked. They stampeded. When the President gets on the phone and twists arms to get people to support him, that's wrong. It implies some kind of White House favors if you agree. I thought we were all through with that sort of thing." Reagan loyalists were spreading the rumor that Haerle and others had been promised appointments from Ford. What all this means is that if a Ford-Reagan showdown does come in California, it will be a brutal affair, pitting former close friends against one another. And to the winner could go the nomination.

Aside from Nofziger, the national Citizens-for-Reagan organization is headed by Senator Paul Laxalt of Nevada and John Sears, a Washington, D.C., attorney who served as Nixon's chief delegate-hunter in 1968 and has contacts with key Republicans in every state. Sears and Nofziger have been attempting to get Reagan to take the plunge as soon as possible. An early start means that conservatives can go to work for Reagan instead of gradually accepting Ford as an unopposed candidate, fund-raising can begin in earnest, and the operations in key primary states can get under way.

Why has Reagan been reluctant to announce? First, there is the large income he is receiving from his radio

broadcasts, newspaper columns and appearances at fund-raising functions. This income would stop the moment he announced. Then, there is the realistic assessment of his chances. Is it worth the effort to make the run against a sitting President with a nice-guy image? And there is the issue of party solidarity. Does Reagan, the Republican loyalist, want to risk being blamed for the downfall of the GOP? On the other hand, Reagan knows this is his last chance at a run for the top office. His age is against him, and even his marketability will diminish greatly within a year or so. It is really a choice between running or retiring. And Reagan hardly looks ready to retire to a ranch with smog overhead and manure under foot.

With that as a backdrop, another scenario comes on the screen — the fallback plot. Suppose Reagan does moderately well in New Hampshire and Florida but not well enough to deliver the knockout blow. What is the chance that Ford will offer Reagan the vice presidential nomination? No one running for President ever admits that he would accept the second spot; that is considered a sign of weakness. But those who have traveled with Reagan in recent months get the notion that he definitely would take the number - two spot if offered by Ford. But dumping a powerhouse like Rockefeller is no easy matter.

Then there is the corollary scenario: Suppose Reagan decides to organize a convention-floor battle to defeat Rocky for the vice-presidential nomination. Reagan's thoughts on this possibility: "If I were absolutely convinced that it were a service to the country and that only I could fulfill that service, it would be something to consider." Translation: He'll do it if he thinks he has the votes.

By tradition, the party holding the White House holds its convention last. This means that the Democrats will convene next July and the Republicans in August. Only a campaign by Reagan for one of the spots on the ticket can prevent the GOP convention from being a "sleepathon" for the rubber-stamp nomination of the incumbents. There isn't another Republican on the horizon with the charisma and following to challenge Ford or Rockefeller.

Wide-open convention

But that is not unusual. Try to think back to a time when either party had a genuine open convention. Nixon and McGovern won on the first ballot in 1972. Nixon and Humphrey had relatively little opposition in 1968. In 1964, Goldwater and Johnson won easily. Kennedy and Nixon wasted little time in 1960. Stevenson won in 1952 and 1956 with some difficulty, but the issue was never really in doubt, and Eisenhower had far less trouble despite the Taft move in 1952. Without retracing the

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Roosevelt-Truman era, it is probably safe to say that the last absolutely open convention was the one that gave Wendell Willkie the Republican nomination in 1940.

Americans apparently are about to witness their first wide-open convention since the advent of the era of television and the proliferation of primaries as the method of selecting delegates. Less than a year before the Democratic delegates are supposed to convene, there isn't a single Democratic candidate who could be considered a front-runner. The leaders in the polls are Ted Kennedy, who says he won't run, and George Wallace, who can't win the nomination.

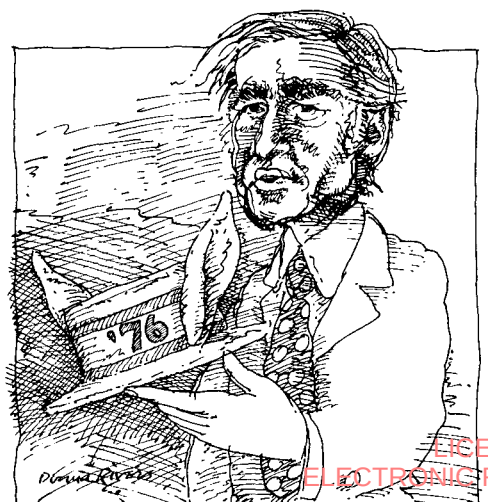
The convention could start without any candidate having as many as a quarter of the delegates. The balloting could be endless. Some political analysts think it inevitable that party leaders will ask Kennedy to break the deadlock and accept the nomination. But then there is Chappaquidick, and that's the prime reason why Kennedy has taken himself out of the race.

Study in Brown

It's scenario time again, and in this case the pictures are extremely fuzzy. To whom will the delegates turn after Kennedy holds firm? To Senator Ed Muskie, a man who excites hardly anyone but is equally inoffensive? To one of the candidates with a bit more firepower, such as Senator Birch Bayh of Indiana? Or will the delegates be looking for a new face, toward one of the new breed of politicians, in brief to the 37-year-old enigmatic Governor of California, Jerry Brown?

It counts little what Brown is doing in California or what the liberal political leaders here think of him. What counts is how he is perceived by those in the Eastern states and how his popularity is riding with the voters in California. Brown's popularity with the "silent majority" is unprecedented, and he is being viewed increasingly as presidential timber by the Eastern press. The success of his farm-labor negotiations had as much impact in New York as it did in Los Angeles — perhaps more. Brown is viewed as the kind of candidate who might be able to defeat Ford in the post-Watergate era, despite the fact that many establishment politicians find Brown personally hard to take and the liberals sneer at his fiscal conservatism.

While the Reagan scenarios require the former Governor to get aggressive, Brown can win only if he remains aloof and waits for a draft to develop. There are those who claim that there is no such thing as a draft, and that certainly has been the case for decades. But this is going to be an unusual convention because there are no front-runners and because the new party rules will prevent states from sending winner-take-all delegations to the convention. Who would dare predict today the composition of the California delegation? Brown's very appeal as an anti-politician would be demolished once he became an active candidate.



Brown himself has issued a classic statement on his interest: "I think even the governorship is a pain in the ass." But all politicians aspire to higher office, and the statement probably applies only to the vice-presidential nomination. Can anyone see the "workaholic" Brown doing nothing for four years as somebody else's caddy? And what of running for Vice President with the prospect that, if he wins, the new governor would be Mervyn Dymally, with whom his relations have not been exactly warm?

Brown's marketability at the convention stems from the fact that he is riding the crest of American political sentiment. But he is largely unknown to the political leaders of other states, and he is anathema to such left-wing spokesmen as Assemblyman Willie Brown of San Francisco who seem to dominate Democratic conventions. Perhaps the most vicious attack on Brown came from liberals Alexander Cockburn and James Ridgeway in New York's *Village Voice*:

> Nobody has the slightest idea what he's up to. . . . He has made a policy out of no policy, and in this respect the man he most calls to mind is Richard Nixon. . . . He is a very ambitious and egotistical politician. . . . The fact is that the Policy of No Policy can result in only one thing — personal political power, uncontaminated by the restraints of principle and ordinary political practice. Nobody knows whether Brown is good or bad for the State of California because nobody can see which way he is going. This was precisely Nixon's genius and his enduring gift to politics.

If these words represent the thinking of the traditional liberal wing of the Democratic Party, and if this element dominates the convention, Jerry Brown might as well stay home. But if the convention is populated by those who are more concerned with nominating someone who can appeal to middle-America, Jerry Brown could get his chance to run for the nation's highest office at an age at which Ronald Reagan hadn't even thought of becoming a Republican.

David Broder of the *Washington Post* wrote a lengthy piece on Brown that displayed Brown in all his complexity. And he quotes Brown's reply to the *Village Voice* attack: "People ask me, 'What's your program?' What the hell does that mean? The program is to confront the confusion and hypocrisy of government. That's what's important." Can a Democratic Party, which has spent decades expanding government, buy a governor with a view like that?

Reagan vs. Brown?

Carrying the California provincial scenario to ultimate conclusion, what are the chances that both Reagan and Brown will be nominated? The odds on this parlay are enormous, with Brown the weaker end of the wager. But there still is that remote chance that Americans will have the opportunity to referee a contest between the conservative rhetorician, Ronald Reagan, and the man who campaigned against his policies and then turned out to be more like Reagan, in terms of fiscal management, than Reagan himself. There are enormous differences between Reagan and Brown, both in style and policy. But here's the difference that counts most right now: To win the nomination, Reagan must come out slashing while Brown must make it appear that he isn't the slightest bit interested in the job all politicians covet.

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MINORITY OPINION

Political reform as a danger to democracy

Although Californians adopted, by an overwhelming margin last year, the political-reform initiative known as Proposition 9, there are those – and not all of them politicians and lobbyists – who believe that the voters made a serious error that could have adverse consequences on the political system. One who shares that view is Arthur Lipow, a University of California at Davis sociologist and associate director of the Political Reform Evaluation Project of the Center for Ethics and Social Policy in Berkeley. The project brings together different perspectives from various disciplines to monitor and evaluate contemporary political reforms. In the following article, Lipow expands upon his remarks at a workshop on political reform last May sponsored by the Institute on Governmental Affairs at Davis.

By ARTHUR LIPOW

Although the California Political Reform Act has been in operation for only seven months, it is important to examine some of the basic questions raised by the statute and its administration. The act is among the most far-reaching of the many laws either being proposed or enacted throughout the country under the banner of political reform. Its impact upon politics in California and the way in which its unique features are administered will undoubtedly have an important bearing upon the content and direction of the entire movement to alter American political institutions. One measure of the need for a critical look at the law is the recent call by David Cohen, Common Cause president, for passage of a national "Proposition 9". Given the source, the words are not to be taken lightly.

We should be primarily concerned with the consequences of the law, especially its implications for democratic political rights, rather than with the stated purposes of its advocates. The test of a law as broad and as sweeping as this is its actual impact and implementation, not the sincerity or high purposes avowed by its proponents.

Political 'Poison'

As for the purpose of the law, it is sufficient to recall that at the heart of the argument favoring the passage of Proposition 9 was the view that almost all of the major problems in the American political system could be traced back to one source: the "poison" of money in politics. The new law was designed to control the size and secrecy of political spending, thereby restoring to "the people" control over their government. Watergate, of course, became a crucial element in the campaign. The lesson of Watergate, according to advocates of Proposition 9, was the need for a law to "help put an end to the corrupting influences of secrecy and special-interest money in government." The California Political Reform Act of 1974 provided, its advocates said, a "simple, direct, [and] democratic" solution to these problems.

The reformers' analysis of the deep crisis through which American politics has been passing for more than a decade is, to be charitable, an over-simplification. Their attempt to reduce our understanding of the underlying causes of the present state of the American political system to its corruption by special-interest money would not merit serious attention, however, were it not for the dangerous practical consequences. Even in the case of the Watergate affair, such a view does little to explain the real causes and significance of the widespread political rot exposed in the course of the investigation. As a diagnosis of the political problems in American society today it confuses the symptoms with the disease. It goes without saying that if the disease hasn't been correctly identified there isn't much hope that the cure will work.

Reform — a problem?

This is not meant to be an alternative analysis of the origins and nature of this crisis, except to point out that not one of the great issues of the last 10 or 15 years can be intelligently understood in terms of covert corruption or lavish financial contributions to politicians and parties by the special interests. Would anyone seriously argue, for example, that the war in Vietnam began and was prolonged over more than a decade because of the "poison" of money in American politics? Or that the problems of widespread poverty and massive unemployment have not been effectively addressed because our political leaders have been flooded with special-interest campaign contributions? Such an analysis reflects an inability and unwillingness to come to grips with the political roots of these problems.

Money is only the symptom of a far deeper and more serious illness in American politics. It is an illness that is political in character; no series of mechanical devices will do anything except exacerbate the situation. This is especially true of such legislation as the Political Reform Act, no matter how sincere its sponsors may have been. (Sincerity, unfortunately, is not equivalent to political wisdom.)

In fact, political reform itself may well be one of the greatest political problems in the United States today. In the name of reform, vast changes have been made in our political system and even greater ones are being proposed in the form of the public financing of elections. These changes will radically affect democratic institutions and

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political freedoms. However, there is no evidence that the advocates of these reforms understand the long-term, deep-going consequences of their proposals.

Reform, it seems, is a word before which all critical thought must stop. The political damage resulting from this inhibition of thought is only now becoming apparent. Recently, for example, the realization has begun to emerge, even among some of those who originally supported it, that the new federal Campaign Reform Act is a disaster. Among other things, it provides for campaign-expenditure limits that protect incumbents. Yet, like Proposition 9, the federal law was hailed as a reform, and never has a law of its magnitude and impact — with the possible exception of the California law — been passed with so little critical discussion and attention to its consequences. The reason: It has become unthinkable or, more importantly, politically dangerous, to criticize anything given the label of political reform.

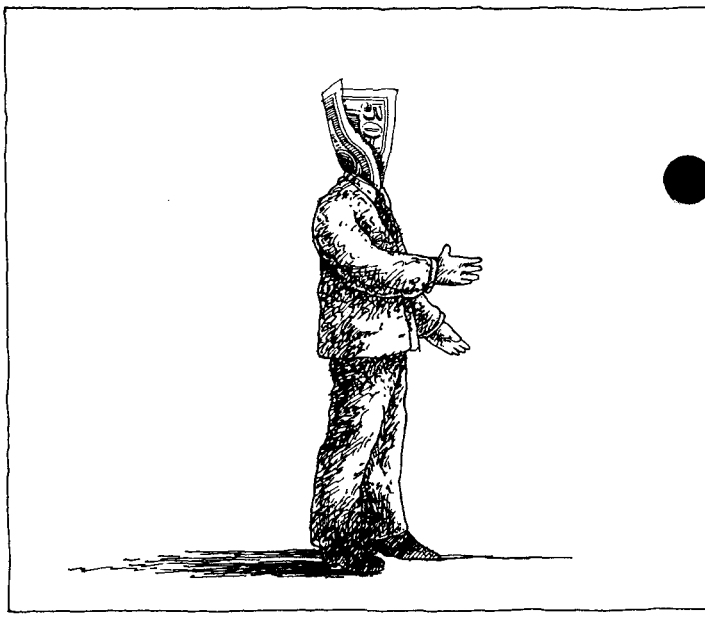
Boomerang effect

After studying the California law and following the deliberations of the new Fair Political Practices Commission for six months, it is clear that its operation will have a seriously damaging effect upon political activity, especially upon the very grass-roots groups and individuals who were supposed to be its main beneficiaries. Is the cause of democratic participation served by requiring that the identities and the employers of all those who make contributions of $50 or more to candidates or ballot-proposition campaigns be disclosed? What it will do is inhibit those persons who would like to contribute to unpopular causes — or to causes unpopular with some segments of society, and especially to their employers, whether private or public. Such a requirement ought not, in an ideal world, intimidate anyone. Social, economic, and political pressures are real, however. Do we have a right to make that judgment for someone else whose livelihood is at stake or who believes that it is, however unrealistically? Certainly, it violates the democratic right of privacy — no different in principle or in consequence than the right to a secret ballot — to compel such disclosure by law.

Consider, for example, what will happen to the rights of the homosexual community, whose individual members may want to contribute money to defend the recently enacted sexual rights law against the drive to repeal it. Who is to say that homosexuals — indeed, anyone hesitant to risk the opprobrium that association with this cause may bring — must, under penalty of law, reveal their names to the public and to their employer in violation of their democratic right to political anonymity and secrecy? What about the bank or utility employees, including highly paid executives, who may privately sympathize with the goals of the conservation movement and wish to contribute money to a candidate or an initiative campaign that goes against the interests of their employers? Or the frequent cases of the independent businessmen who support causes and candidates that would horrify their bankers and their customers? It's no secret that a great deal of money for liberal causes has come from just such individuals. It will not be the "fat cats" and their causes who will suffer, but the popular causes with whose goals the proponents of reform claim to sympathize.

The lawyer's mind

From those who defend this and other aspects of the act come assurances that such requirements are constitutional. And, indeed, they may be found constitutional and not in violation of the First Amendment. If so, it will be a



sad day for the First Amendment and the basic political freedoms it represents. Only a lawyer's mind bent on finding justifications for a particular political course would so approach these basic questions of political freedom. The Supreme Court recently upheld for the first time the government's right to exercise prior restraint over publication — censorship — in clear violation of the guarantees of the First Amendment.

So much for constitutionality. The advocates of forced disclosure repeatedly say that only people who have something to hide — people skulking around corridors and exerting "improper influence", whatever that may be — have anything to fear from such disclosure. When the elementary democratic right to hold opinions and to act upon them collectively in the political arena without being required to subject oneself to governmental scrutiny or to social and economic pressure is so viewed, then there has been a dismaying erosion of the very idea of democracy.

In the name of controlling lobbyists, the law infringes upon the basic right of citizens to petition the government and to do so in an organized fashion, which is the only way most individuals can hope to be effective politically. For ordinary people, who cannot be full-time organizers or political volunteers because they must work for a living, this means the democratic right to join together with others, pool their financial resources, and hire someone to act on their behalf. While the new law doesn't forbid this outright, it does set up requirements for registration and reporting that can be effectively met without the nagging fear of investigation or prosecution only by organizations already well-established and able to spend large amounts of money on skilled lawyers, accountants and clerical staff. In other words, compliance is easiest for those very same groups, especially the professional lobbying firms we were told would somehow be checked by the new law.

Four-point test

Those who doubt this conclusion are invited to do the following:

- Examine the forms and detailed accounting requirements developed by the Fair Political Practices Commission.
- Study the complicated regulations (after having learned which are currently operative) and the equally complicated opinions drafted by the commission's legal staff.

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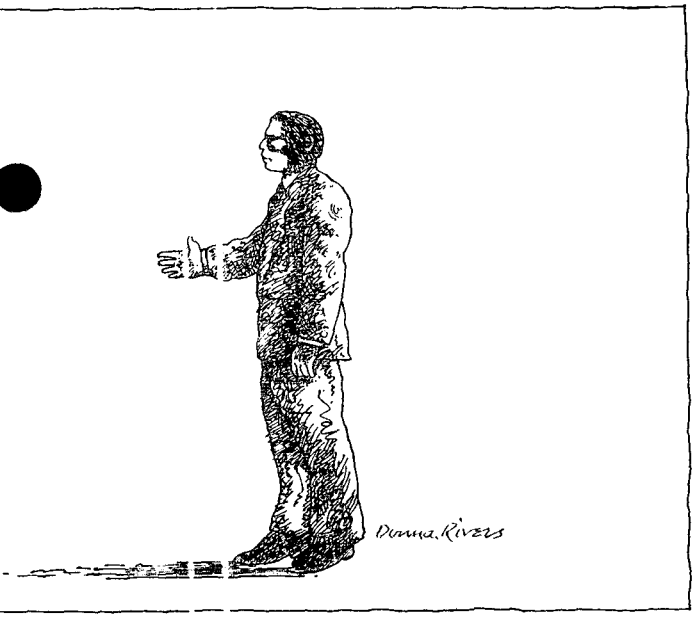

- Attend the commission hearings and take in the conflicting interpretations of the statute and interminable discussions of the existing, revised, and draft regulations and opinions.
- Watch the well-paid lawyers and representatives of the special interests at the meetings do what they are paid so well to do — protect the interests of their clients by trying to understand the meaning of the law and attempting to bend the commission's interpretation of it in a "reasonable" direction.

Most of this requires the financial ability to travel to Sacramento and spend days on end in hearings, although it is also possible (for $250 per year) to subscribe to the *Campaign Law Reporter*. Thus, what turns out to be at worst an expensive inconvenience for the big lobbyists and rich corporations — not to mention a bonanza for lawyers, accountants, and professional consulting firms — can easily break the back of many small groups and organizations. This will be especially true for those forced to defend themselves in the course of an investigation or prosecution, no matter how baseless the charges may turn out to be. And the above describes only the requirements for *lobbying*; the effect upon candidates for office — except the very well-heeled — will be of the same kind, only multiplied.

The $250 trick

But there is another and even more obvious and direct infringement of civil liberties — Section 86108(b) of the law. In Washington State they call this the "grass-roots lobbying" provision, and the idea has been copied in the California law in the name of reform. It is safe to say that few people know of its existence. In the words of the commission's own publication, this section specifies that "persons who *do not* employ a lobbyist are required to file periodic disclosure reports [Form 650] if they expend $250 or more in a month for the purpose of influencing legislative or administrative action [italics added]." Thus, a demonstration on behalf of labor legislation organized by the United Farm Workers and held on the steps of the Capitol becomes subject to the filing requirement because the money (likely to exceed $250) must of necessity be collectively expended. Are these the nefarious lobbying activities that the proponents of Proposition 9 were talking about? Meanwhile, a group of wealthy growers, each spending as individuals $50 or $100 or $200 to come to Sacramento and buttonhole legislators, need not fill out Form 650, even though the total amount spent may exceed $250 by far.

This is just one example of the kind of class legislation and bias against organized groups that is built into the Political Reform Act. The other and potentially just as damaging one is the control over democratically structured associations such as the AFL-CIO. Section 86108(b), together with the complicated lobbyist registration and accounting procedures, constitute a grass-roots *control* law.

Arbitrary power

The examples cited could be multiplied. The issue they illustrate is not of these particular commissioners or the current chairman and staff. The law may be administered today by persons who have a due concern for political rights and their interpretations may conserve them. But tomorrow there will be different commissioners and a different political climate. The same powers can just as easily (indeed, more easily) be made use of by those who are today the targets of so-called political reform or by those who are not sympathetic to democratic political rights.

If there is any one lesson that Watergate ought to have taught, it is this: Civil liberties are indivisible. The rights of some cannot be infringed without potentially infringing the rights of all. The point is that even the rights of lobbyists must be protected — as well as those of a number of people or organizations with whom the majority may not agree. Create a weapon to be used against your enemies today and tomorrow they will assuredly use it against you. A bad law remains a bad law even if administered today by well-intentioned officials.

This brings up what may be the most important issue in the Political Reform Act and the key to understanding why the direction of the entire present movement for political reform poses a danger to democracy in America. The very existence of an independent commission charged with the *regulation of politics* is an extraordinary assault on First Amendment rights and political democracy. This is perhaps the most difficult point to grasp about the law and its practical operation, particularly for people who are, quite properly, used to calling for strong government regulation over broad areas of economic life. One does not have to be a defender of *laissez-faire* in economics to defend it in politics.

The power given to the Fair Political Practices Commission (as well as to the new Federal Election Commission) is unprecendented. It cannot be equated with the regulation of economic activity. To attempt to do so, as the present-day proponents of political reform have done, is to be led inexorably to the most anti-democratic conclusions. Speech and its effectuation in politics is constitutionally protected, or ought to be. It cannot be arbitrarily regulated or subjected to administrative rules by an agency of the state without trampling on democratic rights.

Through the exercise of its statutorily conferred power to interpret and implement the law by issuance of administrative regulations and opinions — thereby, in effect, writing the law — the state commission can, with very few effective limits on its discretionary powers, oversee, control, and investigate as well as prosecute broad areas of political activity hitherto beyond the purview of any governmental body. The commission, in other words, is an arbiter over political activity and has the power to determine what is and is not permissible in this broad area. In itself the possession and exercise of such arbitrary power is an invasion of basic democratic rights. Given the nature and range of the activity — politics and the organized expression of opinion — over which the

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The lobbyists Prop. 9 may have helped

By KAREN TAIT

Proposition 9, the Political Reform Act of 1974, is based on two major premises, that lobbyists are the source of much political corruption and that many legislators are vulnerable to the corrupting influences of these representatives of special interests. Until this year, when the new political reform initiative took effect, there were relatively few controls on the interaction between legislators and lobbyists. Lobbyists were able to purchase votes legally through the wining and dining of legislators and contributing to their election campaigns. Lobbyists in general acquired a negative image, and the public obtained the notion that the almighty dollar was the key to success for virtually all advocacy operations in California. Such was not the case.

The stated purpose of the political-reform measure was to equalize access and influence so that public policy would be established on the basis of merit rather than money. It was assumed that the proposition would have a stifling long-term effect on the influence of the high spenders among the state's 650 lobbyists and that it would benefit so-called good-guy organizations claiming to represent consumers, conservationists, civil libertarians and society's unfortunate. But the initiative also may have the effect of increasing the influence of another element in the lobbying force — the associations representing various economic groups. If arguments and evidence are really going to replace favors and contributions as the prime tools of advocacy in Sacramento, aren't large associations better equipped to do the job than a bunch of individual or contract lobbyists caring for the needs of individual clients?

Five of these associations were analyzed in an effort to determine how they see their role under the new rules. The groups:

California Agricultural Council, representing cooperative growers; six employees in Sacramento, four registered lobbyists.

California Association of Realtors, representing 80,000 realtors and associates; six employees, three registered lobbyists.

California Builders Council, representing home builders and other contractors; five employees, two registered lobbyists.

California Manufacturers Association, representing major manufacturing firms in the state; 20 employees, seven registered lobbyists.

California Taxpayers Association, representing taxpayers generally and funded by major business interests; 17 employees, six registered lobbyists.

It may be significant that at the very time that the political-reform movement started attaining success in California, these associations started hiring a new kind of executive — one with intimate knowledge of the complexities of the Legislature. Former Assembly Speaker Bob Monagan took over the Manufacturers Association; former Deputy State Controller Kirk West heads the Taxpayers Association; Don Collin, a legislative taxation specialist, joined the builders.

Although these association lobbyists feel that they will be restricted least by Proposition 9, they nonetheless join the once big-spending advocates in criticizing the effects of the initiative — less communication between interest groups and legislators and the chore of completing detailed expense forms required by the Fair Political Practices Commission.

The associations think that the reform law will have the long-term effect of reducing the influence of so-called kingpin lobbyists like James G. Garibaldi and Daniel Creedon, who work on a contract basis for numerous clients and have exerted considerable influence over the years. Once lobbyists like Garibaldi retire, they will probably not be replaced. The effectiveness of an out-of-town or an out-of-state lobby will also be drastically curbed because it will not be possible for a stranger to ride into town with a big bankroll and carry out an overnight romance of key lawmakers. The association lobbyists, in brief, agree that a halt to lavish expenditures will be in the public interest and also might help their organizations.

The day could come when the number of registered advocates in Sacramento will be reduced significantly. In an era when information and persuasion are truly king, it may well be that large oil companies, for example, will not find it advisable to have their own operations in Sacramento but will rely instead on the Manufacturers Association. If that should come to pass, it will be the salaried business-organization lobbyist who will have become one of the prime beneficiaries of Proposition 9.

The author, a student at Sacramento State University, prepared this article as a Journal *intern.*

commission exercises control, its decisions and interpretations cannot be non-political and objective nor, in any meaningful sense, independent. When, for example, we are told by the present chairman that in "defining lobbyists so far we have been applying some common-sense tests that have proven very successful," we are witnessing an admission that the foundation of the commission's operation rests upon the exercise of arbitrary administrative power. It is also, in the most basic sense of the term, an example of a political judgment.

With the creation of a commission whose power to regulate politics is based on the discretionary authority of appointed officials to say what constitutes common sense or what are reasonable forms of political activity, the political reformers have led American politics into a new and dangerous age.

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JUVENILE JUSTICE:

Incarceration of the innocent

BY NANCY BOYARSKY

Martin was 15 years old, a beautiful, bronze-skinned child whose gleaming black hair swung gracefully as he moved. He had a style that said he was popular in school and enjoyed the attention brought by his unique good looks. His oriental, middle-class family appeared tight-knit in the old-fashioned sense, with a non-English-speaking grandmother caring for the children. The oldest child attended a private university.

An unlikely candidate for juvenile court? Not so unlikely. For there he was, dressed in a T-shirt and denims issued by juvenile hall. His eyes blazed with hatred as the prosecution witness took the stand.

It was Martin's father, a baker, who charged that his son had habitually disobeyed orders and was therefore an "incorrigible" or "601" under California law. The boy stayed out late at night — often after nine o'clock. Martin's father also charged that the boy was actually delinquent because, after a stormy family meeting, he broke a window. The father wanted the boy put away. Although he seemed a man who wouldn't take his parental responsibilities lightly, the father was weary of the disruption caused by an unruly child, a lack of communciation, and an enormous gap between their standards of values.

No crime committed

The judge listened patiently, but he knew what the law required. He asked the father if the boy was out of control. The father said he was. The delinquency charge was thrown out: a window broken during a family quarrel is not deliberate vandalism. But the other matter was not so easy to settle.

If a California parent says a child is out of control, then the child must be made a ward of the court. And if a parent won't take him home, the youngster is put in a "suitable placement". This is usually a group home that includes delinquents, runaways and other incorrigibles. Individual foster homes are almost nonexistent for teenagers. As Martin's public defender commented, "This is the typical kind of heartbreak thing you see in juvenile court."

Martin was ordered back to juvenile hall to wait for the right placement. The process could take weeks, even months. Meanwhile, he mingled with youngsters who were confirmed delinquents. "Small wonder," said United States Appeals Court Judge David Bazelon of cases like Martin's, "that many avow that they might as well be hanged for a sheep as a lamb and reappear shortly after release in the same court as bona fide delinquents."

Martin's case isn't typical of juvenile court. Yet none is. Each case is as unique as the problems behind it. What is not unusual is the fact that the boy had not committed a crime. More than 40 percent of the juveniles detained in California jails are there for behavior that would not be illegal for an adult — running away, truancy, disobedience, curfew violation. Martin was neither a danger to himself nor to the community. And most youngsters in jail are not dangerous.

According to a report commissioned by the California Youth Authority by its former deputy director, George Saleebey, the county-run juvenile halls are "needlessly bulging". He found that California's detention rate is three times the national average, and wrote, "It would be entirely wrong to conclude that children are being physically mistreated or brutalized. The same, unfortunately, cannot be said for the children's emotional needs. The mere fact of being detained has inherent damaging effects. This damage is compounded when the child's detention is ordered for minor offenses or for no criminal offense at all." Saleebey found that, of the 362,617 juveniles arrested in California in 1973, 28 percent were jailed. But only 7 percent of those arrested had committed crimes against people (the measure many professionals use to determine if a youngster is violent and would be dangerous if freed). The problem is compounded by the arbitrary nature of police decisions on detention and by the fact that minors have no right to bail.

State-local relations

The California Youth Authority runs what amounts to state penitentiaries for minors. Only the most serious and habitual law-breakers end up in Youth Authority lockups, once county juvenile courts decided that their own facilities can't handle them.

The relationship between the county and the state youth prison systems is a loose one, but it's understandable that the California Youth Authority would publicly criticize county-run juvenile halls. First, the CYA runs the yearly inspection of the halls to see if they're habitable. Last year many in Southern California failed to pass the initial inspection because of overcrowding and unsanitary conditions. A second possible motive is more self-serving: The Youth Authority itself is sensitive to criticism that it is holding youngsters without parole for longer and longer periods of time.

Director Alan Breed concedes the point and produces figures showing that over the last decade the average

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Nancy Boyarsky wrote "The image-makers" [May 1974] and "Proposition 9's local-government loopholes" [September 1974].

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stay has increased from 8.4 months to 12. But, Breed contends, this is because CYA commitments now involve only the most seriously delinquent young people: "Two things are apparent: One is they're older. The second is they're coming to us for far more serious crimes. Both of these speak to keeping kids longer. A third thing is that, back in 1965, we had 1,800 kids . . . . One of the things I decided was we were going to get kids out of the state prisons. During that period we had to have a third of our kids in state prison. Now we have only a handful . . . . That's a dramatic change. All those kids who used to be in state prisons are in CYA facilities. The only reason I stress this is because of what we're talking about in terms of prison stay. Back in '65, kids who were housed in the prison facility were staying 14 months, 16 months, 18 months. Now we've put all those kids in CYA facilities. And that longer period of time that never used to be counted in the 8.4 now is entirely in the CYA."

Role of probation

Breed defends the work of the CYA board. Until a new Brown appointment this year, its members were all Reagan appointees. But, Breed says, the longer sentences were not necessarily a result of the board's work but directly attributable to the probation-subsidy program, which began a year before Reagan took office in 1967. It was designed to encourage counties not to send so many youths into the state system. As a result of the increased use of probation for lesser offenses, says Breed, the Youth Authority population is more seriously delinquent, but has dropped 50 percent in number.

Despite changes in the distribution of prisoners in the juvenile prisons, the law and the courts that administer it have not changed since their last major overhaul in the early sixties. At that time, California was one of the most progressive states, six years ahead of a major United States Supreme Court decision granting many due-process rights to children. As one public defender commented, "Bad as it is, California is way out ahead."

But protections given by the 1961 reforms — such as the right to an attorney — seem to have thrown the children's courts into confusion. Youngsters like Martin who have committed no crime are run through the same lengthy and costly courtroom procedures as shop-lifters, dope-peddlers and murderers. Consequently, the entire children's justice system is under attack from all segments of society who deal with it. Some examples:

- A probation official in San Diego County said: "I think kids running away, kids not getting along with their parents — it's surely a problem. But it's not a problem that's going to be solved in the halls of justice."
- To parents whose children have actually run afoul of the law, CYA Director Breed advises: "Sell the family jewels, mortgage the house, borrow all the money you can from friends and relatives. Do whatever you can to keep him out of the system. We'll screw him up in all our fine efforts to help him."
- A juvenile police official in Los Angeles complained that, from his perspective, the hard-core offenders get off too easily: "Most of the kids have 20 and 30 arrests. I have one who has 62. And then you ask, 'Have they been tried and convicted?' — this is the problem in this county and it is the problem in this nation. Very few of those cases are ever allowed to go to court. That's because they were handed to the probation department and the probation department placed them back in the community to supervise them . . . . They don't have the manpower."
- The Juvenile Justice Task Force of the Assembly Committee on Criminal Justice concluded its appraisal of the problem in these terms "[I]t does not treat serious criminal cases as if they were serious criminal cases, while it treats matters of emotion and domestic crisis as if *they* were serious criminal cases."

Reform proposals

Proposals have been made to change the juvenile justice system, but virtually no legislative innovations were approved during the Reagan administration. One bill introduced several times during those years would have taken "incorrigibles" out of the criminal-justice system. Another, viewed as a law-and-order measure, proposed to ease the transfer of minors from juvenile to adult courts and jails. All were either killed by the Legislature or vetoed by Governor Reagan.

This year may be different. Hopeful that Governor Edmund G. Brown Jr. is taking an interest in the subject, the Legislature has been at work on it. One faction, led by Assemblyman Alan Sieroty introduced a plan that would liberalize treatment of non-dangerous youths. The get-tough-with-violence legislators originally introduced two bills, both concerned with easing the process of trying older offenders in adult courts rather than in children's court. One of these was dropped when Sieroty and Republicans worked out a compromise bill, AB 2385, to incorporate two major concerns: helping non-violent youngsters while protecting the community from the truly dangerous.

Under AB 2385, incorrigibles would be taken out of the system and given non-jail alternatives, as are those who

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commit lesser crimes. On the other hand, the bill would automatically send older repeat offenders to adult court for a list of crimes involving violence or bodily harm.

Critics of the proposal feel that such a list diminishes consideration of extenuating circumstances, a basic principle in juvenile law. For example, did a boy injure another to save himself from a gang attack? Proponents of the bill are not entirely happy with the compromise, either. But working with the backers of the other important legislation was essential, they believed, to getting their reforms into law.

Clouded outlook

One consultant who worked on the bill explained how politics affects legislation dealing with human problems. "The problem," this consultant said, "is that most of the push comes from the public's visceral reaction to the violent acts of a few juveniles. If we are ever to solve, rather than eternally react to, the problem of juvenile delinquency, we must provide 'front-end' preventive services to children *before* they become hard-core offenders. Political reality being what it is, though, what you have to do to get front-end services is tie them to some hard-line provisions designed to crack down on serious offenders. If you let a bill move that has only the hard-line stuff, it will just sail through the Legislature. That's why we have gone to such extraordinary lengths to get everyone together on a comprehensive bill."

The reforms would take youngsters like Martin, the "incorrigibles", and those who've broken laws that only apply to children — truancy, curfew violation, running away — out of the criminal-justice process. That alone would reduce the juvenile court load by 40 percent. AB 2385 would also create Community Youth Boards to decide cases of non-violent first offenders. These boards would have neither the power to detain a child nor take him from his home. Originally, the Youth Board would have been created immediately. But under the compromise they will be phased in over five years. Under this bill, only murderers and repeat violent offenders — those considered dangerous to the public — would be held in juvenile hall before their hearings.

Another bill, AB 1428, deals mainly with legislating a list of violent felony offenses that, if a youngster is over 16, would automatically send him to adult court. An allegation that a minor has committed one of these crimes could send the youth to the county jail until his guilt or innocence was determined.

Whether or not reforms of any kind will be made this year — or in '76, the second half of the legislative session — is up in the air. Governor Brown said early in the year that he wanted to examine the whole children's justice system from top to bottom, and so far he has failed to say if he favors either bill.

Director Breed estimates that at least half of today's CYA population could be sent home "if we had the resources .... If you locked everybody up that is in our state institutions right now — for the rest of their lives — it wouldn't change materially the crime that's happening on our streets, because the majority of it is never being cured and the same people are still out there committing crimes. The reason I have to emphasize that is that until society starts dealing with the causes of crime and does something about intervening with the responsibility that government has in terms of doing something about prevention, we can spend all the money in the world on courts and corrections and law enforcement, and it won't make our communities any safer."

Sometimes change comes about in surprising ways. Breed tells a story about a new youth services center in a Texas community that dramatically reduced the number of youth arrests in a high-crime area. How was it done? Juvenile hall was a long, nine-mile ride from the trouble spot. But the youth center — with 24-hour crisis-intervention services — was built halfway between the hall and the high-crime neighborhood. Arrests went down 60 percent, says Breed, when "the police found it easier to drop the kid off at the youth services center."

Silent constituency

No matter which reforms are made, they will have to be imposed on locally run courts and jails by statewide legislation. Most county supervisors are disinclined to spend tax money on alternatives to jail when they believe it is politically expedient to talk about getting tough with the small percentage of youngsters who are dangerous to the public. Children's rights is not a popular issue. The silence of its constituency — young, uneducated jailbirds who have no vote — has so far allowed politicians to take their time in finding meaningful programs for California's problem children.

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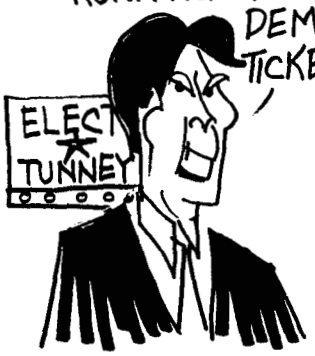
Caucus

by HüGo

IN MY CAMPAIGN FOR THE U.S. SENATE, I'M GETTING SUPPORT FROM SOME SURPRISING SOURCES.

REPUBLICAN **BOB FINCH** CAN'T THINK OF ANYONE HE'D RATHER SEE AS THE OPPOSING CANDIDATE.

HUGH FLOURNOY IS HAPPY I'M RUNNING ON THE DEMO TICKET!



CONSERVATIVE **H.L. RICHARDSON** IS DELIGHTED I'M RUNNING AS THE DEMOCRATIC CANDIDATE.

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BARRY GOLDWATER JR. IS TICKLED THAT I'M RUNNING ON THE DEMOCRATIC TICKET.

IS IT POSSIBLE TO BE **TOO** POPULAR?

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How the $950 million housing bill lost $850 million overnight

By Bruce Keppel

This is the story of how a $950 million housing-finance bill became a $100 million housing-finance act.

Senate Republican caucus chairman Dennis Carpenter opposed the legislation, Assembly Bill 1x, declaring: "This billion dollars is a drop in the bucket. We'll need billions of dollars more to make an impact." He was referring to a shortage of housing units for people of modest income and to the seriously depressed construction industry. Carpenter's point, however, was hardly that the state *should* provide billions of dollars more but rather that it "cannot afford to get into the housing business."

Limits on bonds

Carpenter's sentiments were shared by former Governor Ronald Reagan, who vetoed a trio of bills last year that would have accomplished the same things AB 1x was intended to do. But AB 1x is a more modest proposal than meets the eye, despite the billion-dollar label commonly attached to it in headlines. The main reason is that, while authorization to raise $950 million for housing is in the bill, the state will be hard pressed indeed to get $950 million out of it. Without additional action by someone — the Legislature, the federal government, or the voters — AB 1x makes no more than $100 million available to the state Housing Finance Agency it creates within the Department of Housing and Community Development.

Here, in brief, is the authorization and the limitations on translating it into housing funds:

$300 million in tax-free revenue bonds. While the state can offer up to $300 million in these so-called municipal bonds, brokers won't touch them in today's bond market without some sort of guarantee. The bill's authors and Governor Edmund G. Brown Jr. sought to get the Legislature to accept a "moral obligation" to stand behind the bonds, but the lawmakers declined. Instead, they wrote into the bill a $10 million guarantee fund, and that amount is thought adequate to cover about $100 million in revenue bonds. So the Legislature *could* act to increase this revenue source to the potential it wrote into the law by either increasing the guarantee fund next year or assuming a "moral obligation" to back the bonds sold.

$150 million in non-tax-free state revenue bonds guaranteed by the federal government. While the Housing and Community Development Act of 1974 *does* permit the federal government to guarantee municipals in exchange for the income-tax revenue the bonds would generate, the feds have yet to implement the program. If they should, the new state agency would be the richer, but there's been no indication yet that Washington will.

$500 million in general-obligation bonds to be voted on in next year's general election in November. Will Californians agree to let the state sell half a billion dollars to provide housing for the poor? The voters will answer that question in November 1976, but their record on housing is not such as to suggest looking now for a place to store the money. In November 1974, after all, the voters overwhelmingly declined to remove from the California Constitution Article 35, which requires a local referendum on any proposed low-rent public-housing project. (It carried in only Siskiyou and Sierra counties.) It does not seem to matter so much that the bonds won't cost the taxpayer anything but that those wealthy enough to pay taxes fear the intrusion into their neighborhood of people who couldn't pay their own way to live there.

So that's how the "billion-dollar housing bill" you've read about boils down to $100 million. Still, it does put the state into the housing business, it does write into state law a strong partnership with local government agencies, and it does set forth a state commitment to provide decent housing for all Californians. And in any case, it would be difficult to pump more than $100 million into the economy before the November election, according to Arnold Sternberg, director of the state Department of Housing and Community Development.

Sternberg anticipated that only about a dozen employees would staff the new agency by the 1976 election — and probably not more than 50 later if all goes swimmingly. It will likely take until next January 1st, he said, to start selling the revenue bonds to get the housing program under way. (It could come sooner, Sternberg said, depending on whether bond-sales specialists will accept state-subsidized new private housing as a valid public purpose, or whether the courts will have to so rule to reassure them. The California Supreme Court has already ruled that subsidization to rehabilitate existing private housing is valid.)

Rent subsidy

Under the program, a builder would approach the state agency with a housing proposal. If approved, the state would provide financing at something less than prevailing rates. The law specifies that at least 30 percent of the housing units so financed must be for those whose income falls within the definition of "low". Since the $100 million would create something like 4,000

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units, Sternberg said, at least 1,200 of these would be for low-income inhabitants. These would be rent-subsidized units, and the money for the subsidies would come from a federal rental assistance program. How much federal money will be available for this purpose is not yet known. ("We are assured we will have it," Sternberg said. "We don't know how much we will get.") The law defines low income as being 20 percent below the median salary level in an area, and this level varies around the state. It is $12,428 or less in San Francisco, for example, $11,352 or less in Los Angeles, and up to $8,960 in Fresno.

Local government view

Because of the reduced availability of funds in the legislation as approved, potential home-buyers are not likely to be helped by AB 1x. "I don't see much in the home-ownership area," Sternberg said. Federal legislation may, eventually, help frustrated mortgage-hunters, however, he suggested. (The Legislature did pass a measure, SB 4, signed last month by Brown, appropriating $5 million to the new agency to guarantee mortgage loans to buy and rehabilitate houses in areas thought by lenders to entail financial risk.)

The League of California Cities worked closely with the authors of the bill. The Berkeley-based Institute for Local Self-Government did the study underlying the league's housing policy presented to its board July 16th. The director of that study, Michael Grigoni, said the significance of AB 1x is its recognition by the state that "local government is involved in housing and rehabilitation and isn't going to go away." Under the legislation, he pointed out, cities are given a role as local housing agents with the right to have some say in how housing money is used. To do so, the cities will have to meet certain criteria, but when they do they will qualify to review developers' plans submitted for subsidy. "The major interest for the city, in addition to the new housing units," Grigoni said, "is to use state money for its rehabilitation program — a major area where cities can be involved."

The state enabled cities, counties, housing authorities and redevelopment agencies to finance residential rehabilitation through the sale of revenue bonds under the Marks-Foran Residential Rehabilitation Act of 1973. Now the state will be supporting the cities and local agencies, in addition to giving a spur to constructing new housing units.

Falling short

State officials estimate that there are something like a million substandard housing units in California. About a third of these are so dilapidated that they will have to be razed. Moreover, almost three million California families need help in getting adequate housing or to overcome seriously overcrowded conditions, according to these estimates.

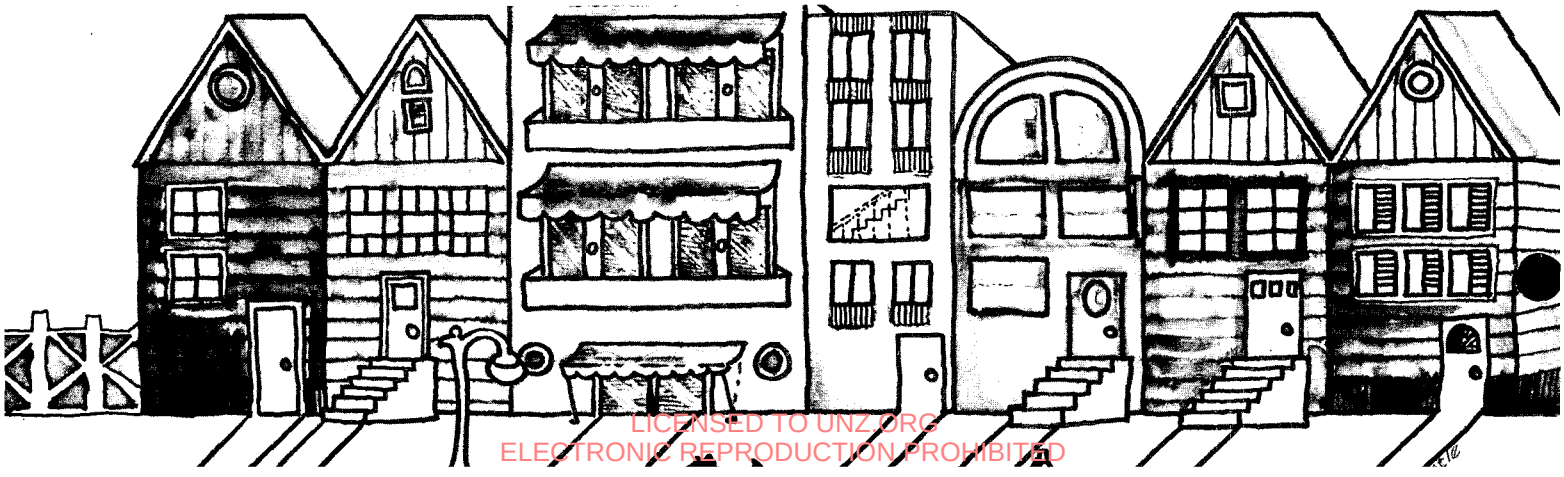
Had the entire $950 million been immediately available, according to a Brown administration estimate published last month, the bill might have provided some 20,000 new housing units in its first 18 months' operation. This could have created up to 18,000 new jobs in the depressed home-building industry, where unemployment is currently 28 percent of the workforce. Viewed in terms of the magnitude of the housing shortage and economic downturn, it is difficult to substantiate this estimate in the light of the bill Governor Brown signed, or his proclamation on signing it that the bill "will give a shot in the arm to the housing industry and provide hope for low- and middle-income people who can not now afford to buy housing." Nor is it the "billion-dollar attack on both unemployment and inadequate housing" claimed by Assembly Speaker Leo McCarthy. And even the comment by Sternberg's boss, Secretary Don Burns of the Business and Transportation Agency, has to be leavened with some skepticism. "We all gave a little," Burns said, "and have come up with a very fine piece of legislation that will provide thousands of people with good housing they can afford."

Special session

So the chief value of the legislation, at this point, is institutional. It makes permanent Sternberg's department, which was created on a temporary basis and would otherwise have ceased to exist next summer. And it created the California Housing Finance Agency.

The housing legislation was considered in a special session run concurrently with the regular legislative session. This enabled creation of the new state agency before January 1st, the date of implementation of ordinary legislation, in time to allow the state to get its share of this year's federal rental assistance funds, which have been estimated at something like $90 million. Special-session legislation takes effect on the 91st day after adjournment of the session. So the key date in this case was June 27th, and the new agency can come into existence on September 26th. Under it, the housing program will be administered by an 11-member board, six of whom are appointed by the governor and confirmed by the Senate. The other five: an elected city-county official, an executive of a bank or savings-and-loan institution, a residential housing builder, a construction union leader, and a representative of low-income rental management. AB 1x also includes start-up funds for the Housing Finance Agency.

In short, some state housing money should begin flowing into the California economy by January 1st, and some additional low-rent apartments should become ready for occupancy in 1976. But a "shot in the arm"? Well, it's not a kick in the head, either.



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Brown's first budget
or
the evaporating surplus

Not many years ago, a state budget that carried a projected surplus of $300 million would have prompted demands for a tax cut. But the budget that took effect July 1st with an anticipated year-end reserve of $313 million instead was enacted with accompanying warnings of potential fiscal difficulties for California. The reasons:

- *State of the economy.* Although economic conditions appear to be improving, that $300-million cushion could evaporate in a few months if another downturn develops.
- *Nature of the surplus.* Only $100 million of the surplus comes from regular state revenue sources. The remainder is a one-shot reserve based on delayed state use of federal revenue-sharing funds.
- *Deficit in the budget.* The current year's spending programs consume $300 more than will be raised in taxes by the state. This means that an identical budget enacted next year would wipe out the reserve fund completely.
- *Problem of the schools.* The Legislature is pressing for more money for public schools, and this could eat deeply into the surplus. Lawmakers also could send Governor Edmund G. Brown Jr. a flood of other bills carrying appropriations. They, too, could erode the surplus.
- *Size of the surplus.* With a budget of $11.5 billion, $300 million is a relatively small cushion compared to the years, only a decade or so ago, when it comprised 10 percent of a year's expenditures. In those days, $20 million constituted a respectable surplus.

Hanging tough

On the surface, the budget signed by Brown looks much like a spending program that might have been signed by his predecessor, Ronald Reagan. It varies in only minor respects from the program submitted to the Legislature in January and revised in May. Reagan used to trim budgets to eliminate legislative augmentations, but then he would sign appropriation bills that would have the effect of boosting the state's level of spending considerably. It remains to be seen whether Brown will hang tough.

The biggest fiscal problem hanging over the Governor is the plight of the state's public schools. The Legislature recessed for July after failing to enact a controversial school-aid bill that would have pumped up to $120 million into public education. There is no question that the schools are in fiscal trouble, but there is a great deal of controversy over how to provide relief. The source of the problem was the massive tax-reform and school-aid measure (SB 90) that went into effect a couple of years ago. It established stringent new rules for school districts and local government in the use of property-tax revenues. And schools were hit harder than cities and counties. In most cases, schools get penalized when their enrollment drops, and they do not get full advantage of rising property-assessment rates. This means that schools get hurt by the cost of living on the expense side of the ledger but do not recoup on the income side. This has infuriated teacher organizations because most money for education goes to pay teacher salaries.

Chief losers

The Governor claims to be sympathetic to the problem but would prefer to provide relief through easing the SB 90 restrictions rather than through additional state grants. This would have the effect of allowing schools to have a one-year adjustment period after loss of enrollment and to take the total increase in property-tax assessments in the district. Brown also has adopted the philosophy that future state expenditures for public education should be directed at improvement of the system through specific programs and not for general support that goes primarily into teacher-salary increases. It is for this reason that he maintained about $20 million more in the budget for early-childhood education, a pet project of Superintendent of Public Instruction Wilson Riles, than was contained in Brown's January proposal. Brown did pare some $15 million in early-childhood funds from the budget, and the amount he left represents a compromise with Riles.

The $100 million trimmed from the budget by Brown is, on balance, a small amount — less than 1 percent of the budget. And the major victim was the state employee, who had been led to believe in January that an 8.5 percent pay raise was in the offing and discovered at the end of June that it would be only 7 percent.

Why did Brown, in effect, welsh on his promise to the

Key budget facts

Total — $11,469,971,820.
Amount cut by Governor — $100,344,109.
Projected surplus — $313 million (including $214 million in federal revenue-sharing funds).
Estimated spending total for last fiscal year — $10.9 billion.
Key items vetoed — $44 million in state-employee salary increases, $15 million for early-childhood education.
Deficit spending — About $300 million more than will be met by revenues in the 1975-76 fiscal year.
General tax increases — none.

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state employees? Or did the 8.5 percent in the original budget constitute anything resembling a promise? Finance Director Roy M. Bell, a civil servant theoretically named Brown's top fiscal aide on a temporary basis, explained that 8.5 percent was the best the administration could do in December when the major economic problem appeared to be inflation rather than recession. By the time the revised budget was submitted in May, however, unemployment had doubled and the state had lost some $250 million through increased costs and reduced revenues. In December, it looked like the state was going to live within its income. By the time Brown had to blue-pencil the budget, the spending plan was $300 million in the hole. So the 8.5 percent had to be discarded, and state employee salaries became the most expendable major item in the budget.

In January, Brown, Bell and Legislative Analyst A. Alan Post warned that the downturn in the economy could produce massive increases in welfare and Medi-Cal expenses. The downturn did come, but the wolf stayed away from the state's door. Medi-Cal costs did not rise nearly as much as anticipated — and state officials are not sure they know exactly why. This is not the case with the social-welfare rolls. They have been kept down because the federal government extended unemployment benefits to classes previously uncovered and for many additional weeks to those on long layoffs. This is probably the prime reason Brown was not faced with the harsh reality of either a tax increase or more brutal budget cuttings.

Personal message

The Governor delayed until July 1st the actual signing of the budget so that technically the state did not have any spending authorization for a few hours. One of the reasons was that Brown personally wrote the message he sent to the Legislature detailing the reasons for his cuts — but also including some remarks on augmentations he allowed to stand as well as a precedent-setting preamble:

> I wish to commend you for the care you have taken in reviewing this budget. As signed, it sets forth the priorities for the coming year. Together, we have tried to serve human needs within the resources made available by the people. Government, no less than the individual, must respect realistic limits. What is needed now is not simply more money but a new spirit. Our primary task is to redirect effort without escalating cost.

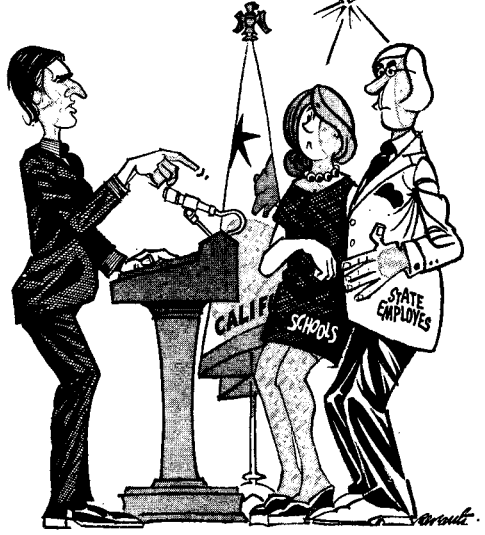
One of those items left untouched by Brown was a general-fund authorization of $1 million for the Department of Fish and Game, theoretically for the protection of non-game species. Bell envisions this appropriation rising to perhaps $5 million within a few years. In the past, the department has been supported entirely by license fees from hunters and fishermen. These so-called sportsmen have resented efforts by conservationists to intrude into their preserve and have called for public funds to manage non-game species. The $1 million allocation will probably be the first in a series of fiscal moves that will change the entire direction of the department, away from providing cannon-fodder for the sportsman to overall habitat management.

Adult aid

In terms of dollars, the biggest legislative augmentation was $65 million in additional aid to the aged, blind and disabled. (The other large items were the $20 million for early-childhood education and $4 million for bilingual education programs.) In all, the Governor trimmed slightly more than $100 million from the $11.57-billion budget approved by lawmakers. The cuts included $68 million in general-fund appropriations and $32 million in special- and bond-fund allocations.

The $314-million projected surplus will be cut by $11 million by costs in the major housing bill signed by Brown last month. That housing bill is designed, in part, to help pull the state out of its fiscal doldrums by putting construction workers back collecting sawdust instead of unemployment checks. It is one reason why the Department of Finance has been cautiously optimistic in its projections of economic conditions over the coming months.

At the time the budget was presented in January, Bell conceded that economic conditions were so unstable that his revenue and expenditure estimates could be far off. By May, the economy had hit bottom and the state had lost more than $250 million that had not been anticipated. Since that time, however, the projections of the



Renault-McClatchy newspapers

Ask not what your state can do for you; ask what you can do for your state

Operation 'Challenge Vigorously'

Only a few days after signing the 1975-76 budget, Governor Brown sent the following memorandum to agency secretaries and department heads:

During the next few months, we will be preparing the budget for 1976-77. This is our first chance to build a budget from the beginning. It will reflect in dollars and cents the philosophy of this administration.

I intend to take every step possible to avoid a general tax increase in fiscal year 1976-77. Accordingly, new programs which cost money require corresponding reductions in other programs.

I have asked the Department of Finance, working together with agency secretaries and department heads, to challenge vigorously all programs which:

1. **Do not show results, or indicate only marginal performance.**
2. **Have substantially met the needs for which they were established.**
3. **Overlap significantly with other programs.**
4. **Benefit only special interests which more properly should support themselves.**
5. **Ignor better alternatives.**
6. **No longer enjoy the support of the people.**

The basic fiscal policy of this administration is to redirect efforts without escalating costs. Every budget to be submitted to the Department of Finance must reflect this policy.

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administration have held. Bell is maintaining a monthly watch on sales- and income-tax collections so that he can get the earliest possible warning of a deterioration in the economy. If Bell's forecasts are optimistic, Brown will be forced to tighten the belt by forcing reductions in departmental expenditures on an emergency basis or face the music of a tax increase next year. And Brown has made it clear he would prefer no tax increases during his four-year term, except for closing loopholes in current revenue laws. (The state will gain some $35 million this year through elimination of the oil depletion allowance. And Brown is hoping that the Legislature will pick up an additional $25 million or so through elimination of certain tax breaks for high-income Californians.)

Governor's role

This first Brown budget is rather dull in its contents. More interesting is the role the Governor played in developing it and in personally making each of the hundreds of decisions involved in writing the 194-page spending bill. No governor in recent California history has ever thrown himself into the fiscal morass as deeply as did Brown. The end product may look like a Reagan budget, but the process wasn't even remotely the same.

In the Reagan years, fiscal decisions were largely made by the cabinet. The director of finance had relatively few direct dealings on details with the governor; he went through the cabinet. The hot line between Reagan and Finance Director Verne Orr rarely rang. Nevertheless, Orr played a major role in the depolitization of a vital state department that had lost the confidence of the Legislature. Under Brown, the process was completed with the appointment of Bell, a career civil servant who has been scrupulous in remaining aloof from partisan involvement.

The Governor, who is really his own finance director, now makes a great deal more use of the department than did his predecessors. He contacts Bell often, and not always on fiscal matters, to take advantage of Bell's long experience representing the administration before legislative committees. With Bell's approval, he deals directly with a variety of specialists within the department. Brown has sent "shock troops" from Finance into the Department of Industrial Relations, the Office of Criminal Justice Planning, and the Departments of Consumer Affairs and Commerce as trouble-shooters. He has called for more auditing from the department. He has made the department an extension of the Governor's staff.

The morale of the department has never been higher, according to Bell, because the top supervisors are working directly with Brown and everyone in the department is getting into the act. Brown is using Chuck Gocke as his financial adviser on education, Cliff Allenby as his taxation specialist, and Al Loeb as a trouble-shooting minister without portfolio.

But in analyzing the Brown fiscal operation, as with everything else in the administration, virtually all the fiscal decisions are made by the Governor. Despite the nation's economic crisis, Brown had a fairly easy time of it in 1975 because he had been left with a handsome surplus by Reagan. Barring an unanticipated bonanza, next year the Governor's budget-building ability will be put to the true test.

NEWSMAKERS

Another female for the Assembly

Democrat **Teresa Hughes**, 41, an education consultant and member of Lieutenant Governor Mervyn Dymally's political organization, won the Assembly seat vacated by the election of Bill Greene to the State Senate. Hughes defeated Republican **Henry W. Sellers**, 7,230 to 4,268, in the Watts-based 47th District. She will be the third woman in the Assembly, joining the veteran **Pauline Davis** and freshman **Leona Egeland**, *both Democrats . . . . Women moved up on other fronts as well:* **Luella K. Good** was appointed police chief of Coalinga (at a drop in pay to $16,800 a year from the $23,300 she had been receiving in the Los Angeles sheriff's department) . . . . Elinor R. Heller was elected chairman — not chairwoman or chairperson, she insists — of the University of California Regents . . . . **Virginia Mae Days**, a San Jose attorney and mayor of Morgan Hill, was appointed director of the state Department of Veterans Affairs. She is a former Navy yeoman . . . . **Janet J. Levy,** former consultant to the Joint Legislative Committee on Aging, was named director of the state Office of

Teresa Hughes

Aging . . . . **Claire T. Dedrick**, state resources secretary, issued a memo equalizing the dress code within her agency. Men are no longer required to wear jackets and ties.

The one woman in politics who came out a loser was Judge **Noel Cannon**,who was removed from the Los Angeles Municipal Court by the state Supreme Court for threatening to give a police officer "a .38 vasectomy", among other things. She will be allowed to practice law . . . . Governor Brown announced his first judgeship appointment, Democrat **Ernest M. Lopez**, to Riverside County Superior Court.

Several Democratic office-holders were under fire: Controller **Ken Cory** for making wholesale changes in the inheritance tax-appraiser panel and apparently using campaign contributions as a standard of appointment . . . , Lieutenant Governor **Mervyn Dymally** for having drawn unauthorized expenses from a Ford Foundation project he headed . . . , Senator **Bill Greene** for having billed the state for travel expenses previously charged to the Ford project . . . , Senator **James R. Mills** for being the beneficiary of a $1,000 scholarship awarded his wife, Joanna, a law student at Western State University.

Dan L. Western Jr., 43, an industrial engineer, was named general manager of the California State Employees Association. He will succeed **Walter W. Taylor**, who was fired after 3½ years in the post . . . . Brown appointees: **William A. Sullivan,** an assistant director of the FBI, as director of the Department of Alcoholic Beverage Control; **Marion Woods**, former director of Sacramento's anti-poverty program, as director of the Department of Benefit Payments; **Jack Brito**, San Jose Chicano leader, to the state Highway Commission.

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Assessments up, enrollment down, and still the schools need money

The Legislature recessed for the month of July without solving the state's pressing school-finance crisis. With rising property-tax assessments and declining enrollments, why aren't public schools better off than ever? What has been the philosophical hangup between Governor Brown and the education establishment headed by Superintendent of Public Instruction Wilson Riles? The following article examines the crisis generally from the viewpoint of local school officials.

By RUTH PRITCHARD

Item. When three local revenue issues failed in the May election, Los Angeles City Schools had to cut $41 million from their $1.1 billion budget. Eliminated are home-to-school transportation and field trips. More than 1,200 employees will be laid off, and there will be no more sixth-period classes in the tenth grade. About $4.5 million will be cut from reading programs, along with a $1.4 million reduction in junior high school opportunity programs and counselling.

Item. Sequoia High School in Redwood City gave notice to 40 teachers and 84 other employees because of a $4 million deficit. It still must cut more than $1 million in educational programs.

Item. Westminster in Orange County has a $1 million deficit and is letting go 10 percent of its employees. The district's reserves are almost down to zero.

Some of California's inflation-plagued schools are bankrupt, and in two years the reserves in all the districts in the state will be exhausted unless new money is forthcoming this legislative session. A survey of 312 districts by the California School Boards Association turned up expected lay-offs of 4,000 to 5,000 employees and cuts in educational programs of $37-$50 million by fall. The districts surveyed account for 75 percent of the money spent in California's elementary and high schools. According to the association's executive secretary, Joseph M. Brooks, if 46 of the 312 districts in the survey were public, profit-making corporations, they could declare bankruptcy because they have no funds left and do not see enough tax money to cover anticipated costs. "Instead of going to bankruptcy court, these districts will have to cut the education they offer children," Brooks said.

Schools are hit by inflation with no way to pass it on to the customer. State law limits the amount that districts can raise automatically from local increases in assessed valuation, and tax elections are failing. In addition, declining enrollments are reducing the amount of money school districts receive from the state. Collective bargaining for employees would bring added costs, and waiting in the wings is the court order in the *Serrano* case to equalize spending throughout the state [see box].

The author, a Sacramento-based writer, has contributed previous Journal *articles on the new math and child care.*

Limits on income

Two years ago the state combined a property tax reduction program with revenue controls to limit public-school income which bears no relation to recent inflationary costs or trends. Prior to enactment of SB 90, if assessed valuation went up in a district, city and county governments and schools received more revenue from local taxpayers without increasing the tax rate. Last year, with inflation at 12.2 percent, schools were limited to no more than a 6 percent increase per year, while city and county governments were able to benefit fully from increases in assessed valuation. Not only are schools being eaten up by little costs everywhere they turn — for example, the cost of ditto paper, a classroom staple, has gone up from $9.40 a case to $18.76 — but they are facing huge increases in fuel bills for buses and demands from unionized employee groups for salary raises of up to 18 percent.

Many schools also have declining enrollments, down to 4.29 million last year from 4.42 million in 1971, and expected to reach a low of 3.34 million in 1981. While it might appear that this would ease financial problems, costs do not reduce proportionately. Moreover, since the state pays schools according to the number of children in attendance each day, as attendance drops so does revenue. Also, it is difficult to reduce staff in an expedient manner while meeting such requirements as offering an effective educational program, striking an ethnic balance and respecting employee seniority. Where a private company might be able to give two weeks' notice to excess employees, public laws, contracts and employee agreements prohibit schools from doing so.

If collective bargaining is passed, school boards may have to hire private negotiators to deal with union bar-

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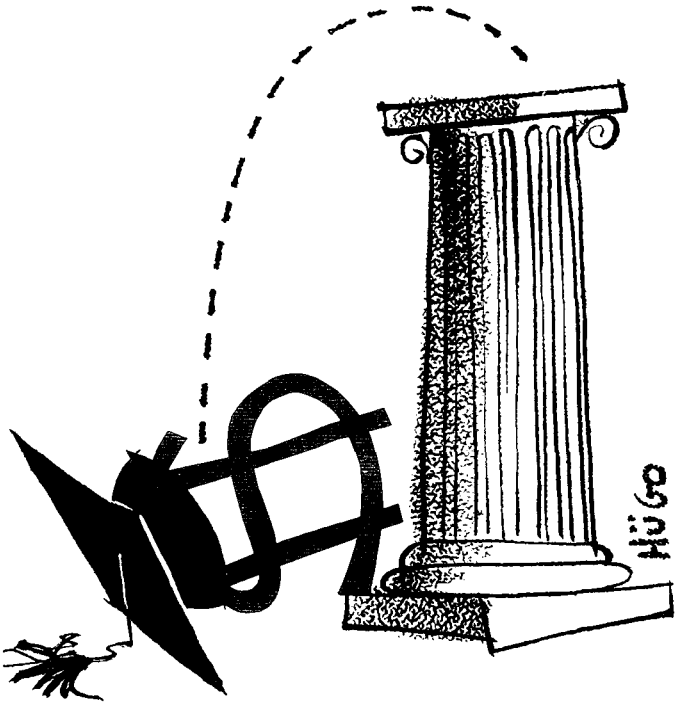
gainers, which would both add a budget item for the cost of negotiations and result in higher salaries for employees. Salaries constitute about 85 percent of a school district's operating costs. State employees this year are receiving 7.5 percent average raises, and teachers will likely receive less since most districts can grant raises only by cutting the program of education in other ways. After eight years of "cut, squeeze and trim" under Governor Reagan and the fiscal conservatism of Wilson Riles' predecessor as state superintendent of public instruction, Max Rafferty, there is little fat left to trim.

State support

The current funding of schools seems to indicate the value California has placed on education. The state budget for 1975-76 is one indication of priorities. It provides a 15 percent increase for welfare expenditures, 14 percent for state universities, 10 percent for state colleges — and 4.6 percent for public education, kindergarten through community college. Another indication is the amount of money the average Californian spends for education, and Californians spend 4.5 percent of their personal income to cover current expenditures of education — less than they spend for alcoholic beverages, cigarettes and cosmetics combined. Still another indication can be taken from the fact that California ranks first nationally in total personal income and 11th among the states in per capita income, but 26th in current expenditures for public schools as a percentage of personal income. Of the six poorest states in the country, four spent a higher percentage of their total personal income for education than did California. Measured by the number of dollars allocated to the education of each child, California now ranks 32nd, below Louisiana, Georgia, Mississippi and West Virginia. On the other hand, California ranks first in teacher salaries.

California once ranked third or fourth in state financial support, although the ideal 50-50 state-and-local sharing has never been attained. In 1953-54, California came closest with state support at 47.5 percent and local at 52.5 percent. But state support declined steadily to 39.4 percent in 1963-64. When Governor Reagan took office in 1967, state support was 38.4 percent, and it reached the all-time low of 36.3 percent in 1972-73. Then SB 90 brought the state share up to about the pre-Reagan level, 38.6 percent. Nonetheless, 18 other states have attained 50-50 or better local-state sharing of education costs.



Has the lack of money affected California's educational achievement? Last year, half of California's high-school seniors ranked in the bottom 34 percent of the nation. Students in sixth and twelfth grades have been steadily scoring lower each year in reading and math (though last year sixth-grade scores stabilized). While low test scores cannot arbitrarily be explained by lack of money, it cannot be overlooked. The only upward trend is seen in the first three grades of elementary school where, for the last two years, students have ranked higher in math and reading, and this improvement in primary scores is probably related to the $65 million put into Early Childhood Education over the past two years. (The budget signed by Governor Brown increased Early Childhood Education funding by $20 million, enough to extend the program to reach one-third of the primary-school children.)

Coping with inflation

The chances of alleviating the schools' financial pinch seem iffy at this point. A bill by Senator Albert Rodda that would have provided $115.8 million to counter the increased cost of inflation in the schools died the last day before recess when the Legislature did not accept the Governor's offer to sign the measure (SB 220) if it were reduced to $88 million and a lid were put on summer-school expansion. But Governor Brown has yet to turn his attention to education. During his first six months in office, no one from the educational community was able to see the Governor until Brown in June called in representatives of teachers, administrators and school boards in an effort to work out a collective-bargaining bill covering public employees. When the Legislature rejected his proffered compromise on the Rodda bill, Brown (sounding, said one school official, much like Max Rafferty) made it clear that all previous commitments were off and that it would be a different ball game for school funding when

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Coming to grips with equality of opportunity

The basic issue of reforming the financing of public education ordered by the court in the *Serrano* v. *Priest* decision has been ignored so far by the Legislature and the Governor. Some legislators have indicated that they want to let the courts decide, and Governor Brown has said that he will think about *Serrano* later. A general understanding of the *Serrano* case is a prerequisite for anyone who would venture into the murky waters of school finance, for in it lies the key to the future of school financing in California.

The *Serrano* case, filed in 1968, alleged that the California system of financing public elementary and secondary education violates the equal-protection-of-the-laws provision of the California Constitution. Because the financing system relies heavily on revenue from local property taxes, it was argued, substantial variances resulted in how much is spent per pupil from district to district, and these disparities resulted in unequal educational opportunities. The case concluded that every district must get the same revenue for the same tax rate. (Not all expenditure disparities are unequal — only those caused by differences in local taxable wealth.)

Magnitude of difference

The court has held that spending disparities do exist and result in unequal educational opportunities. A frequently cited example is that, in 1971, $1 of tax per $100 of assessed valuation of property at the elementary level raised $915 in Beverly Hills, but only $54 in Baldwin Park. The most recent figures show that in 1973-74 the Los Flores Elementary School District in San Bernardino County spent $3,631 per child while Twin Rock Elementary School District in Sonoma County spent $535.

As for the relationship between money and quality, the court decided that the issue was to be decided by looking at whether what went into the educational process was equal, not whether what came out of it was. The equal-protection clause, in other words, is concerned with the quality that government provides, not with whether people take equal advantage of a benefit.

State response

Prior to this year, the talk in education circles was of how the state would comply with *Serrano*; the Legislature has a court order to find a solution, and less than five years remain to meet the deadline. Several solutions have been studied and offered. The heads of the Education Committees in both houses introduced bills that would comply with the mandate in the *Serrano* v. *Priest* decision in the forms of Assembly Bill 720 by Leroy Greene and Senate Bill 383 by Albert Rodda. But, in the face of present economic conditions and the Governor's adamant stand against raising taxes, neither has moved out of its initial committee.

There is still a final word to be spoken on *Serrano*, since the decision of the lower court was appealed to the California Supreme Court, and a final decision is expected before the end of the year. (The California Supreme Court is the final authority on the interpretation of the California Constitution, so a decision cannot be appealed.)

Leveling up

The consensus is that compliance with *Serrano* must result in a leveling *up* of school expenditures rather than a leveling down. The Legislature could comply by simply re-allocating existing money so that all districts spent the same per pupil. In the process, not only high-wealth, high-spending districts would suffer cutbacks, but most children would be hurt. The estimated cost of complying ranges from $1 billion to $4 billion, and it is generally agreed that some form of statewide property tax or district power-equalization plan is the most realistic solution. Since salaries account for the major part of the school budget — usually considered to be 85 percent — an equalization plan must begin there. One possibility might be a statewide salary package with teacher salary schedules set by negotiating at the state level rather than at 1,048 individual school districts.

But no easy answer to *Serrano*, short of a massive infusion of money, has yet been brought forward.

— *R.P.*

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the Legislature returned in August. "I am very reluctant to approve more spending for schools," Brown said, "without basic structural and fundamental reforms. I'm going to argue for change. . . . More money down the pipeline is not what the people want."

Reform is not a word the Governor invented. It has been Wilson Riles' key word since his election as state superintendent of public instruction in 1970. Early Childhood Education has been used by Riles as the beginning of a basic restructuring and reform of education, applying it in the primary grades where educational fundamentals are taught. He has also begun implementing a reform of special education and developed a master plan for migrant education. The first reform of intermediate and high schools in more than 50 years is proposed in a plan released in July, which calls for changing the way we educate teenagers, including permitting students to enter apprentice programs away from the school without the school being penalized by loss of state funds based on average daily attendance. Riles has offered not only accountability but guarantees of learning in return for financing.

High stakes

The studies that went into developing solutions to the *Serrano* decision can help Brown grasp the complexities of public education and its financing. Failure to properly educate California's more than 4 million school children could have far-reaching effects beyond this administration. Under-investing in education, the National Education Association maintains, will yield under-educated adults who will earn less, contribute less in taxes and add to future crime and welfare costs. The average cost of educating a child in California's schools for one year is $1,210; it costs up to $20,000 to maintain a child in a juvenile hall.

As a service business with a "closed" income and rising costs, public schools are in an untenable situation. And, for its "customers", that service is a major factor in determining their future livelihood and quality of life.

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Aid for the Arts

A program that died from over attention

By BETSEY MAUPIN

The Spring of 1975 should have been the rebirth of state support for the arts in California. All signs pointed toward it: New Governor Edmund G. Brown Jr. had proposed a new state council to give the arts back to the people. State Senator Arlen Gregorio, who had spearheaded previous legislative drives for public support of the arts, jumped at the Governor's proposal with a bill quadrupling California's investment in them. One Harris Poll showed the nine out of ten people think cultural activities are important to the quality of their lives, while another called the arts the state's fastest-growing industry. And the leaders of that industry claimed that their most significant shortcoming is the inability to reach a broader audience because of fiscal constraints.

But, because of an unlikely coalition of some of these very arts lovers and a few legislators diametrically opposed to them, the state started the fiscal year July 1 with virtually no program for the arts at all. An appropriation of $175,000 was included in the budget signed by Brown, but it is designed only to cover administrative expenses of the old California Arts Commission, pending formation of a new organization. The present commission is defunct for all practical purposes, however, because its days are numbered and many of its key members have resigned.

Meanwhile, the Legislature took its summer recess with two rival bills to establish a new arts council contending with one another and no guarantee that either would pass. For a while, at least the state program to foster development of the arts is dormant. What went wrong?

What went wrong

What went wrong in California arts support has been going wrong for a long time. Its roots reach back to 1963, when Governor Edmund G. Brown founded the first California Arts Commission, appointed 15 commissioners, and gave then $50,000 to get started. Members of the commission were usually wealthy patrons of the arts (the agenda for a 1972 meeting called for "casually beautiful" dinner dress) or political contributors to Governors Brown and his successor in 1967, Ronald Reagan. The "casually beautiful" commissioners were advised by panels of art experts, usually representatives of major arts organizations who often funded themselves. In 10 years the commission was never given more than $247,000 to run its office and boost the arts. The commission's 1970-71 annual report asked "How can the commission realistically hope to reach 20 million Californians?" Its answer: "It cannot."

Legislature on stage

That was an inadequate response to Senator Arlen Gregorio of San Mateo. In 1973 he introduced Senate Bill 121, which created a two-for-one matching grants program similar to that of the National Endowment for the Arts. Gregorio's bill would increase state funding in 1973-74 from $247,000 to $1,000,000 of which only $245,000 could go for administrative costs. The commission objected to the bill, but the arts community supported it, and it was passed. Grant money went to arts organizations with new projects to broaden their community appeal.

The next year commission money, no longer restricted by SB 121, went to what Gregorio called a hodge-podge of new efforts and administrative costs for existing programs, something SB 121 never intended. Although the Legislature tried to raise the commission's budget to $2 million, Governor Reagan cut it back again to $1 million. Another Gregorio bill that made it through the Legislature would have required seven commissioners to be artists or members of the arts community; Reagan vetoed it.

In 1974 when Jerry Brown was running for governor and saying the governor should set an example in boosting the arts, the Legislature adopted a Gregorio resolution to form a Joint Committee on the Arts composed of Senators Gregorio and George Zenovich of Fresno and Assemblyman Richard Alatorre of Los Angeles and Dixon Arnett of Redwood City. Its task was to investigate the whole question of public support for the arts. Brown, for his part, became governor, then surprised a lot of people in arts organizations by eliminating funding for the California Arts Commission. In its place he proposed a California Arts Development Council to give "full recognition to the arts". He said he would propose later the structure and programs of the new council, and he alloted $1 million dollars in his budget for its activities in fiscal 1975-76.

The Joint Committee on the Arts submitted its findings last February. It agreed with Governor Brown. The report, written by Gregorio and consultants Peter Herman and Winfred Blevins, first questioned any state support of the arts. The National Endowment for the Arts subsidizes the arts, it pointed out, as does local government, such as in San Francisco, where half of the local hotel tax goes to arts organizations; the state, the report said, need not duplicate these programs. But traditional arts do need help, the committee went on, mainly because many people lack exposure to them. The state

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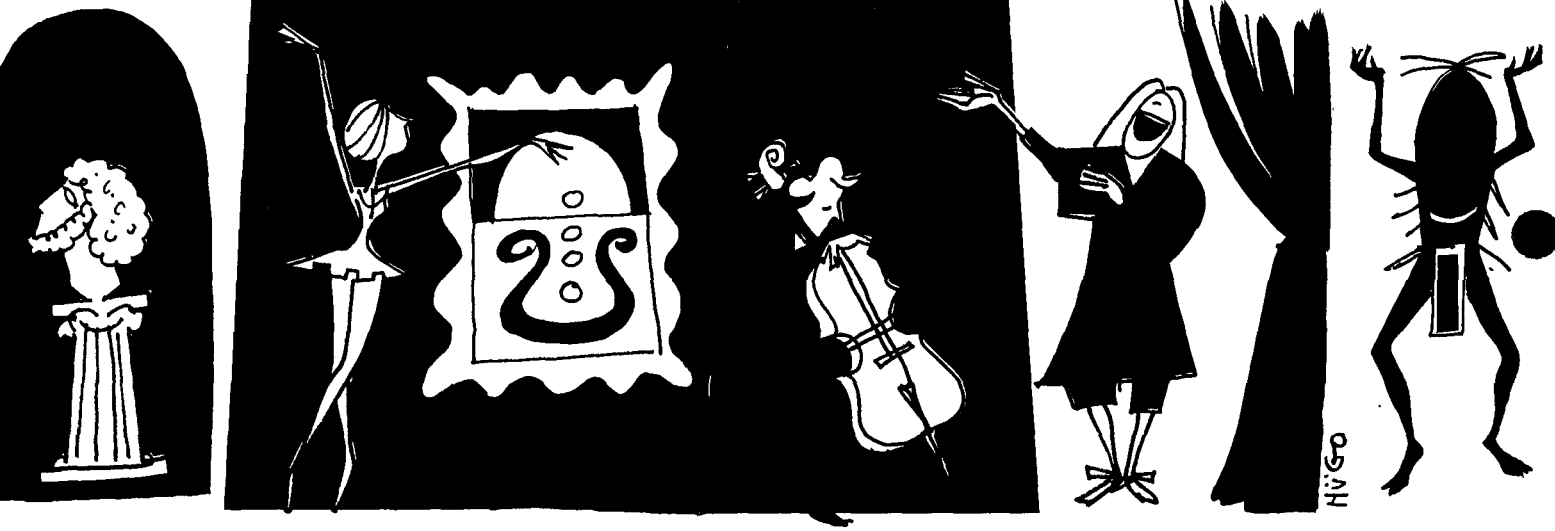

should play a major role in educating people to the arts, as it does in educating young people to sports in school athletic programs. A state arts agency, the report said, should not be responsive only to a few people in established organizations. The committee's council of 15 members appointed by the Governor and confirmed by the Senate, would administer six programs at a cost to the state of $4.5 million over the next year and a half. The programs were designed to get arts funding out of the hands of the few. As set forth in Gregorio's SB 484, they were:

- ***An arts touring program,*** to transport non-profit arts organizations based in California to outlying communities; the cost would be shared 50-50 between the state and the local sponsors.

- ***A pilot ticket-voucher program,*** called the Audience Development Fund, through which individuals could buy vouchers at some minimal cost and redeem them for a higher amount for tickets to presentations by non-profit performing-arts organizations.

- ***Commissions to artists*** on a matching-grant basis with counties, cities, art centers, and museums; the art works would be turned over to the local group for public exhibition.

- ***A project grants program*** that would specify what kinds of projects could be funded; panels selecting projects to be funded would have at least seven members, no more than two of whom could be affiliated with any grant applicant.

- ***A technical assistance program*** offering an ombudsman and technical consultants to arts organizations on a one-to-one matching basis.

- ***An artists-in-education program*** to fund contracts negotiated through local schools to purchase the services of artists and arts organizations for their schools.

People power

Gregorio's staff consultant, Peter Herman, described the committee's approach in these terms: "We don't want a state agency responsible to the arts industry. We want an agency responsible to the people of the state. The way to build a foundation for future state arts support is to involve all kinds of people in dispersed, diverse activities at the local level. Just giving grants doesn't involve the people out there."

The joint committee report was signed by all four members, but Zenovich warned that he did not think the bill would be acceptable either to the Governor or to the arts community. In the end, each member of the committee introduced bills, but when the Legislature recessed in July only two were left — Zenovich's SB 1024 to appropriate $1.5 million to the new California Arts Council and keep the program running much as before, and Assemblyman Julian Dixon's AB 1660, carrying a $700,000 start-up appropriation for administration of the new council and whatever other purposes the council saw fit. Both measures have cleared their houses of origin. As for Gregorio's bill, it died in the Senate Governmental Organization Committee.

During the maneuvering for the four rival bills, Brown remained silent. Only in early June — five months after introduction of the budget — did Brown endorse a scaled-down version of the Dixon bill. Had Brown acted earlier, it might have been possible for the Legislature to agree on a plan that would have prevented the current lapse in state development of the arts. Gregorio thinks the battle is still far from over, however, because the Senate may insist on major changes in the Dixon bill, which was drafted in Brown's executive suite.

Legislative skepticism

Support of the arts sounds like a relatively simple issue for the Legislature to tackle. But many lawmakers are skeptical about any proposals for the funding of the arts. The attention given the issue in the Legislature is far greater than the public interest, because some of the state's wealthiest and most influential citizens (such as the Ahmanson and Chandler families) are especially interested in the subject. There is also the problem of who will run the commissions — performing artists, patrons, ordinary public members or some combination. Brown favors a board controlled by performing artists. The arts community opposed the Gregorio bill because of its "populist" thrust. Those who backed the senator will now probably attempt to kill the Brown plan as carried by Dixon. And there are those, like Senator Donald Grunsky, who are against any state support for the arts. "Individual tastes are hardly the place for government," he said, sounding not a little like the Governor on other issues.

If the Legislature fails to enact a program, the state stands to lose about $500,000 next year from the National Endowment for the Arts. Perhaps that is the price to pay to avoid adopting a program that really satisfies no one. In the next few months, there may well be a rebirth of state support for the arts. But if the 1975 Legislature fails to solve the issue, it won't be for a lack of aspiring legislative authors.

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The clipping of a thorny rose

Harvey Rose

Gertrude Stein was wrong: A rose is *not necessarily* a rose is a rose. The Harvey Rose of Sacramento is not the Harvey Rose of San Francisco. Harvey Rose of Sacramento was the Legislature's auditor general, and he's a man without a friend under the golden dome across the street from the office from which the staff of 60 keeps an eye on how government spends the money the lawmakers appropriate. Harvey Rose of San Francisco, on the other hand, is the darling of the Board of Supervisors, which has just hired him back to be the city's budget analyst, the job he left in October 1973 to accept the state job. [See "Coming on strong: state's new auditor general," *CJ*, May 1974.]

At the press conference at City Hall July 15th announcing Rose's rehiring, effective September 1st, there was much quipping about how Sacramento was not yet ready for a nonpartisan, independent auditor — all the things Rose maintained after his firing in June that he was. Rose may be right. On the other hand, if that were entirely the case, one might expect to find a lot of regret in the auditor general's office at the loss of such a hard-hitting, independent leader. But there's not a wet eye in the house.

Rose's forte is auditing, not administering, apparently. And it may be that management of the big state office eluded him, in the sense that good management equates with good staff morale. Staff morale has been a problem in the office almost from the day Rose moved in, even though his arrival coincided with an increased budget and staff. His administration was placed under a cloud from the outset, when his chief deputy at the time, Walter Quinn, resigned with ominous statements about incipient revolution among the staff. Quinn's resignation was something less than a symbolic protest, however, since he had already applied for (and got) Rose's former job, which, incidentally, he abruptly resigned last month making room for Rose's return. In any case, Rose found himself called before his employer, the Joint Legislative Audit Committee, in March 1974 to undergo reappraisal, though he emerged from that ordeal smelling like a, well, Rose.

Now, with two months to go in his two-year contract, that same committee (reconstituted and enlarged, however, from the one that hired him) gave Rose a unanimous vote of no-confidence. Why?

Rose's view

To Rose, the answer is summed up in terms reflected in the quips that sprung up around him at the San Francisco press conference: partisan interference.

The committee's chairman, Assemblyman Bob Wilson of San Diego, who has senatorial aspirations, was seeking to use Rose's staff for his own political gain, Rose charged; Wilson infringed on Rose's independence in June by holding up a report reflecting on the estimated 1975-76 budget surplus (Wilson said he did so because of the critical nature of the budget discussions then in progress); Wilson fired Rose's chief legal counsel, Jerry Bassett, over Rose's protest (Bassett subsequently landed a better-paying job with the Legislative Counsel); Wilson ordered Rose to hire Linda Huffman, who had worked on the Assemblyman's reelection campaign, at higher than normal starting wages. "The real story here is not Harvey Rose," Harvey Rose told the press. "The real story is what Bob Wilson is trying to do with the office of Auditor General."

Rose went on to limn his position in the bold tones that characterized the many audit reports that flowed from his office during his brief tenure: "I've been told I'm naïve. Well, if being naïve is reporting the facts regardless of where the chips may fall, then you're damned right I'm naïve. They don't want a problem up here, and I've been a problem to a lot of people, Democrats and Republicans alike. I don't win many friends on my job, and I don't think it's my job to win friends. All I ask is that they let me do my job. . . ."

Wilson's view

Wilson countered by charging Rose with producing "sensationalized" reports and basing staff pay on the press coverage their audits generated. "I've never heard of anything like that before," Wilson said. He also charged Rose with granting himself "unauthorized" pay increases, which Wilson technically approved in signing the pay documents that crossed his desk but claims he didn't notice. The latest was a 30 percent raise for Rose, and it followed "exorbitant raises" of 41 percent to his chief deputy, 40 percent to two staff members, 30 percent to 13 others and 20 percent to another 37.

Wilson's view carried the day June 27th, when the committee, convened at Rose's request, voted to terminate the Auditor General's employment. That action followed by two days the committee's $419,000 cut in Rose's proposed budget of $1.7 million — that sum representing primarily the pay increases.

Just what an independent audit of the charges would turn up is debatable. What is certain is that the Auditor General's office did become far more aggressive under Rose's direction and its reports were cost-oriented and brief to the point of terseness. And Rose himself does not shy from press coverage, which put him in competition with his bosses, politicians all. His mistake was not in his reporting, but in his likening of himself and his office to A. Alan Post and the office Post has held with such nonpartisan distinction, that of Legislative Analyst.

The irreconcilable differences between Rose and Wilson's committee are thus less of substance than of temperament, less of competence than of personality. Whatever triggered them, though, is something San Francisco's politicians apparently love. *BRUCE KEPPEL*

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The end of growth - - -

A new era is dawning for California's institutions of higher learning. The era of rapid growth is over, and the so-called steady-state environment is upon us. In such a state, how should the major elements of higher education in California react? The following two articles – one written by an analyst outside the higher-education system, the other by a student member of the state's Postsecondary Education Commission – examine possible answers to that question.

the universities' new challenge

By JOHN A. WOODS

Without a break, most college students of the 1960s enrolled right out of high school. And they signed on in droves. Enrollment in California's two major segments of higher education — the University of California and the California State University and Colleges — more than doubled during the decade. Despite the addition of three new UC campuses and seven new CSUC campuses, construction could scarcely keep pace. New studies, however, indicate that the era of ever-increasing enrollment is near an end. The annual number of high-school graduates will soon decline and the percentage of graduates going on to college has begun to stabilize. In fact, recent estimates indicate that, after a period of very slow growth until 1980, enrollment in both UC and CSUC will begin to decline and not return to current levels until the mid-1990s.

But these estimates ignore one factor: As the traditional clientele of the state's colleges and universities — youth — diminishes, both UC and CSUS are reaching out to a new clientele — the adult, usually employed, frequently female and with family, and often living at some distance from a college campus. Older persons have always comprised a portion of college student bodies (principally in CSUC), but never before have they been so actively sought.

This recent surge of interest in broadening the representation in higher education stems largely from a growing awareness, nationwide, that college is not necessarily a once-in-a-lifetime opportunity, nor an exclusive privilege of the young, but a right of all, regardless of age.

Importance of growth

But there may be another motive involved, too, especially in public institutions like UC and CSUC. They want to grow, and to grow they need new students. And growth is important because it generates additional resources, and the greater the available resources the more a campus can offer. Examples:

- **Faculty.** All campuses want an influx of new faculty each year, making it possible to staff new programs and expand existing ones.
- **Administrators.** If campuses want more deans, academic planners and program coordinators, they must demonstrate increasing student enrollment.
- **Library books.** One measure of a library's quality is the size of its holdings. In CSUC, the Legislature has set a goal of 40 volumes per full-time student. As long as enrollments increase, the number of library volumes will rise.

Growth also makes management a less perilous task in reducing the need to say no. Many campus presidents, for instance, want to guard against a tenure-heavy faculty in order to preserve academic flexibility.

New programs

The traditional college structure evolved to serve a basically homogeneous client — the student able to attend school full-time during normal working hours. The needs of the new, adult clientele are different and varied. This student requires evening and Saturday classes and short, intensive courses, among other innovations. Often, the school must move off campus, bringing higher education to the students, for if these new students have a common trait, it is their reduced mobility. Family, employment or geographical considerations often preclude the typical commute to campus. Here is what is being done:

University. At the University of California, part-time attendance was discouraged prior to initiation of the UC extended-university program in 1972. Few classes were scheduled in the evening or on Saturday, and all students were charged the same fees, regardless of the number of classes taken. Today, these obstacles are being removed. About half of the extended-university programs are offered on campus, usually evenings and afternoons, but the remaining programs — those offered off campus — have attracted most of the attention. One especially interesting program is a joint venture with CSUC in Ventura — one that we shall return to — but numerous others are available. UC Santa Barbara offers a masters of electrical engineering at Point Mugu Naval Base and UC Berkeley offers a masters in engineering in the San Francisco offices of Pacific Gas & Electric. While these programs are open to any qualified applicant, most of the students are employed on the site. Students enrolled in the extended university pay one-half of the regis-

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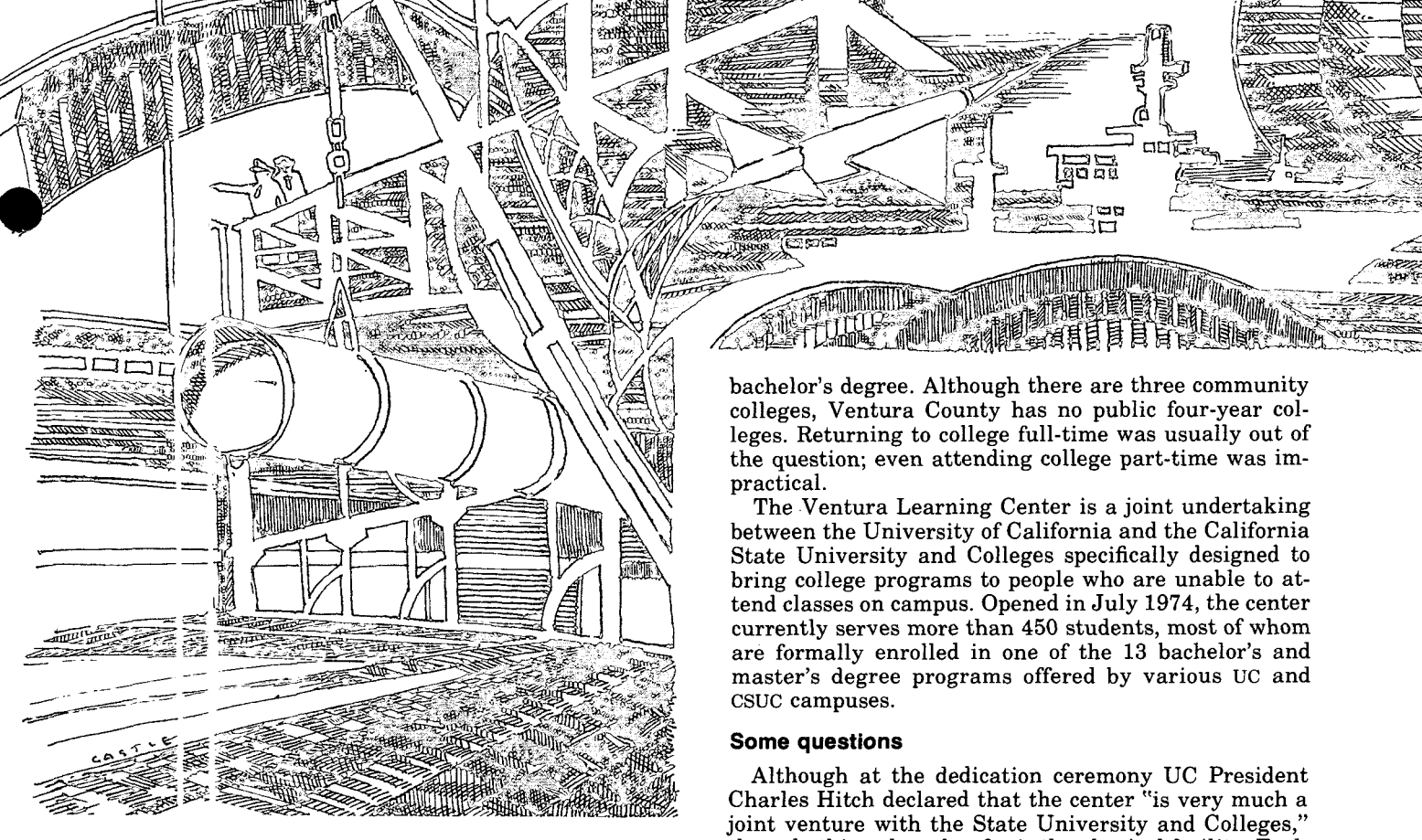

tration and education fees charged full-time students — about $100 a quarter — and may take up to eight units a quarter. The programs are supported through fee revenues, the state general fund and special funds of the UC Regents.

State colleges. At the California State University and Colleges, part-time students have always comprised a significant percentage of total enrollment. A few campuses — Los Angeles and Long Beach, most notably — have extensive evening schedules. Consequently, the major thrust of the CSUC external-degree program has been towards the student who finds it difficult or inconvenient to attend classes on campus. Often in conjunction with local community colleges, CSUC has developed a number of degree programs in such relatively isolated areas of the state as Redding, Susanville and Barstow. CSU Chico, for example, offers a masters of public administration in both Redding and Marysville (with classes held at Shasta and Yuba colleges but taught by regular Chico faculty). The CSUS external-degree programs are basically self-supporting through student fees because, unlike their UC counterparts, they receive no direct state support. (Some state money is available for program development and student aid.) In some instances, however, the fees are paid not by the student but by their employers. CSU Northridge, for example, offers a masters in engineering at Point Mugu Naval Base for Navy personnel only and with the government paying all fees. The most flexible off-campus programs are provided by the recently formed CSUC consortium, which pulls together resources from a number of campuses to offer programs that individual campuses are unable or unwilling to provide.

Experiment in cooperation

Probably the most novel of the off-campus programs is the Ventura Learning Center. Until recently, many Ventura residents had little hope of obtaining their bachelor's degree. Although there are three community colleges, Ventura County has no public four-year colleges. Returning to college full-time was usually out of the question; even attending college part-time was impractical.

The Ventura Learning Center is a joint undertaking between the University of California and the California State University and Colleges specifically designed to bring college programs to people who are unable to attend classes on campus. Opened in July 1974, the center currently serves more than 450 students, most of whom are formally enrolled in one of the 13 bachelor's and master's degree programs offered by various UC and CSUC campuses.

Some questions

Although at the dedication ceremony UC President Charles Hitch declared that the center "is very much a joint venture with the State University and Colleges," the only thing shared so far is the physical facility. Each segment develops its own degree programs, counsels its own students, and offers its own courses taught by its own faculty. Although a liaison committee exists, little attempt has been made to insure that duplication of courses does not occur. Moreover, UC students cannot take CSUC courses for credit, no matter how relevant; nor can CSUC students take UC courses. So, it remains to be seen whether the center will evolve into a truly unique partnership or simply house the competitive efforts of the two segments.

Ultimately, the success of the Ventura center — and of the off-campus programs generally — rests in Sacramento. Without continued state support, through either direct subsidies or student financial aid, many potential students may find the cost prohibitive. At Ventura, for example, permission was recently granted to offer a bachelor's degree in business administration — the most requested program so far — through Northridge State. The cost? Approximately $65 a unit — or almost $4,000 to complete the two-year program.

But the degree of state support should be a subject for thoughtful deliberation. Extended forms of higher education, principally off-campus instruction — may well be an idea whose time has come, but the concept itself represents a significant extension of higher-education services, and raises questions that need to be addressed, including: Who should be served, by whom and at whose expense?

Fourth segment

The Joint Committee on the Master Plan for Higher Education recommended several years ago that a new "fourth segment" of higher education be created to plan, develop, and deliver off-campus programs. CSUC Chancellor Glenn Dumke, however, convinced that UC and CSUC, together with the community colleges can do the job, sees no need to create a new institution. The disagreement points up the need for a comprehensive,

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statewide plan for extended forms of higher education. In 1960, the Donahoe Act carefully spelled out the higher-education options available to Californians. It also delineated the separate functions of the University, the state colleges and community colleges.

If California becomes committed to extended forms of higher education, some new rules and guidelines will certainly be required. Besides the basic issue of who should have access to such programs, organizational and administrative questions must be resolved. Who, for instance, is to determine what programs are appropriate for off-campus delivery? If each segment of the state's higher-education establishment plays a role, how is duplication to be avoided? If a "fourth segment" is created to administer extended forms of higher education, would it offer programs or simply contract with other agencies to provide them? What authority would this new segment have in directing the off-campus educational activities of UC and CSUC?

No one as yet, can estimate accurately the potential demand for off-campus delivery of higher education, though it will largely depend on the degree of state support provided. And the question of state support is a thorny one. While many feel that state support for higher education should not be contingent on traditional on-campus attendance, the potential cost of full state support for off-campus programs could prove quite high. What portion of the cost should the student bear?

What role of the state?

The number of persons in UC and CSUC off-campus programs remains relatively small (fewer than 4,000 persons statewide), but both UC and CSUC are convinced that the need for such programs is widespread. This may be true. Many people who previously ruled out college attendance may come to entertain the prospect as accessibility is improved. This is why a hard look at off-campus delivery of higher education is needed.

When the UC and CSUC programs initially received state support they were viewed as small, pilot projects. Both programs, however, are expanding, and this growth raises many public policy questions — questions which need to be addressed soon, before the programs develop a momentum precluding thoughtful analysis.

A STUDENT'S VIEW

What colleges should become

By SETH BRUNNER

California's *Master Plan for Higher Education (1960-75)* was recently praised by outgoing University of California President Charles Hitch for enabling UC to pursue its purposes with "a certain sense of timelessness". Indeed, Hitch continued, "besides the church, universities are the closest approximation we have to eternal institutions." And he went on to list the greatest threats to the University as the rampant vocationalism of large numbers of pre-professional students, political intrusion from state government, and outside pressure to become an all-purpose problem-solver for society, a veiled reference to the University's affiirmative-action problems.

Hitch's statement rings with the defensiveness that characterizes the foreboding proclamations of most leaders of higher education. Faced with declining enrollment, lessening popular support, and smaller budget increases, most of higher education prefers to recall the past, defiantly declare themselves invincibly "eternal" and sufferingly endure the immediate future. Yet, the immediate needs for change can't be talked away.

The master plan Hitch extolled was originally written in 1960 as a "treaty" among the three public segments of California higher education to govern their expansion in a time of rapid growth. The University was given sole possession of the "crown jewels" of research, doctoral and professional programs, and undergraduate education for the top 12½ percent of graduating high school seniors. The California State University and College system (then known as the California State Colleges) was to offer undergraduate programs for the top one-third of students as well as master's degree programs. The community colleges would offer instruction in lower division work as well as some technical and vocational programs.

Changed times

The master plan has worked well for three reasons:

- Higher education needed ground rules for a period of extraordinarily rapid growth.
- The plan differentiated functions among similar institutions with very similar purposes.
- It assumed only the traditional academic model of learning: the universe divided into the 40 or so academic disciplines learned in classrooms and through scholarly materials.

But these conditions have changed. Higher education is facing declining enrollment, which requires a different set of ground rules. In the face of decreasing public support combined with the declining enrollment, it is unlikely that California can support its enormous investment in such similar institutions. There is increasing pressure to have more options than simply academic education. Consequently, the master plan is becoming obsolete, not in what it accounts for, but in what it does not.

Even the most conservative enrollment projections see a peak in the early 1980s followed by decline. At present birth rates and continued reliance on the 18-to-22-year-old age group, enrollment will fall by about one-third before leveling off. This translates into decreasing budgets and a crisis in governance for the institutions involved. As they contract, tough decisions will have to be made about which programs — and even which campuses — will be maintained at the expense of others. Innovation becomes increasingly difficult in the heightened competition for limited resources. Tenure may become impossible to justify as percentages of ten-

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ured faculty reach toward 80 percent. At the same time, the choices of students as consumers of education become more important; only those programs and campuses able to attract students will remain healthy.

The basic problem in a situation of declining enrollment is how to maintain vitality within institutions while letting those programs and campuses whose historical mission has passed either perish or adopt new missions and formats.

New ground

Researchers at the Center for Research and Development in Higher Education at UC-Berkeley have found that throughout the country state governments have given higher education a lower priority in relationship to other public needs. Energy, the environment, health care and other issues are becoming more important. Similarly, these researchers have found that higher education is being de-mystified. Governor Brown's attack on the UC academic plan last March is a case in point.

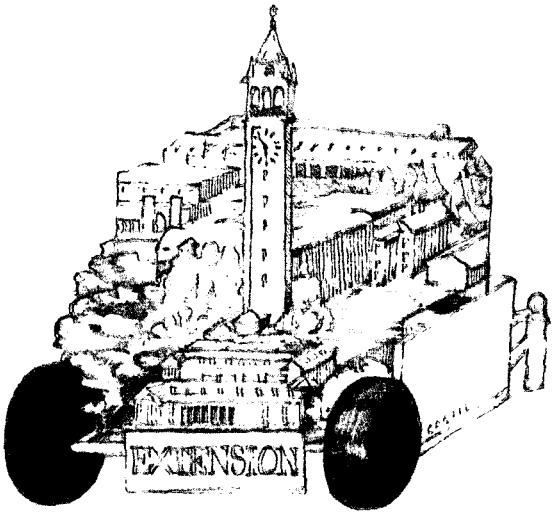
There are several pressures for diversifying the type of education offered. As college degrees become more common, their market value diminishes. Howard Bowen, former chancellor of the Claremont Colleges, predicts that by the year 2000 workers without a college degree will be earning more than those with one. Students have little idea what professional options exist besides law and medicine, and this has created a pressure-cooker atmosphere in which students scramble for places in these professional schools. This suggests that colleges' relationship to the labor market must be re-examined.

California has long advanced the principle of extending educational opportunities to more of its citizens. Yet, the proportion of minorities and low-income students is in direct relationship to the exclusivity of the system of postsecondary education. The largest participation by these students is at the level of graduation from high school; it decreases steadily to limited participation in the University. The state's affirmative-action programs have always been predicated on the assumption that the system measures an intrinsically valuable quality that minority groups must be brought to the point of attaining equally with the white majority. College, however, has been shown to bear little relationship to success or even happiness on the job, and it isn't clear what a degree measures except essentially middle-class values and abilities. So how much human capital is lost because academe is the only game in town? How many students drop out or don't enter higher education because this model of learning doesn't appeal to them? (Some studies indicate that it is the brightest students who find the system most intolerable.)

Need for innovation

The new interest in the "non-traditional" learner forecasts a need for innovation. How do the educational needs of older students and potential students differ from those of the 18-year-old? Will such non-traditional learners tolerate arbitrary degree requirements without relevance to their needs? How directly related to a college education are students' developmental and vocational needs and interests? How does a traditional institution serve new functions without compromising its primary missions?

These questions suggest that higher education needs to be a changing institution rather than eternal. The master plan served the state well in its time, and it continues to be important in establishing a foundation for



California's system of higher education. The changed conditions today require new proposals to make the best use of resources, diversify the institutions and degree structures, and extend the opportunity for education. Here are some proposals:

- K. Patricia Cross, research psychologist at the Educational Testing Service and President of the American Association for Higher Education, has proposed that learning be organized around alternative measures of excellence — dealing with people and inanimate objects — besides the ability to deal in abstract ideas.
- One of the most important and least acknowledged works of the Carnegie Commission on Higher Education, chaired by former UC President Clark Kerr, calls for "less time, more options". The commission proposed a three-year BA, greater use of the associate of arts and master's degrees and additional mechanisms of certification.
- Both Britain and the United States contain models for external-degree programs through television colleges and academic certification for actual experience in opening up learning options and freeing students to learn on their own as well as through formal instruction.
- The specialization of campuses should go beyond giving such campuses as UC Davis an emphasis in agriculture and biological sciences.
- Some colleges have moved towards awarding degrees on the basis of competency rather than units completed. Students are tested not only to determine if they have achieved the required level of competence, but what level they have reached.
- Many of the options introduced into public higher education in California in the late sixties have never been integrated into the institutions. Such innovations as work experience, internships, integrated and inter-disciplinary studies, and applied rather than theoretical courses have done well at other institutions. The lukewarm reception here stems from inadequate support from institutions reluctant to change.

The major question in higher education confronting Californians is how to accomplish such innovations. This is a particularly difficult question, given the traditional systems' resistance to change, their political power, and the current tension between them and the state. The defunct Joint Legislative Committee on the Master Plan, under the chairmanship of Assemblyman John Vasconcellos, recognizing the need for continuous planning, established the Postsecondary Education Commission. The commission has adopted a list of seven priority

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California *NEWSBRIEFS*

Law lessens penalty for adult's use of an ounce of 'pot'

The use by an adult of less than one ounce of marijuana will be subject to issuance of a citation and a maximum $100 fine, effective January 1st. The new law (SB 95) does not affect the felony status of cultivating marijuana plants nor selling the weed. It reduces possession of marijuana to a misdemeanor with a maximum penalty of six months in jail and a $500 fine. And severe penalties remain for selling marijuana in any quantity to minors.

According to the Department of Justice, there were nearly 100,000 marijuana felony arrests in California last year — most for possession. That's nearly double the number of arrests in 1969. The bill's author, Senator George Moscone of San Francisco, said he agrees that a potential health hazard exists in smoking marijuana, but argued that doing so is "a decision an individual must make. . . . Smoking marijuana is a personal and private decision, and its use does not warrant the excessive penalties that currently exist."

Something new will be installed under the state dome

Some $40 million in construction work to shore up the Capitol is scheduled to begin in the fall. All but $1.25 million of the $43.5 million appropriated for the job will be used to make the golden-domed building safe in the event of an earthquake. What's left is earmarked for relocating the office and vault of the state treasurer in a state building a block away.

Administration loses its attempt to create environmental agency

Governor Brown's attempt to merge all of the state's pollution control elements in one office was thwarted in the Senate. Leading the fight against the plan was Senator Alfred E. Alquist of San Jose, who called it "a mere proliferation of bureaucracy [that] would mean a substantial added expense to state government, and I can see no justification for it whatever." Alquist's colleagues in the upper house apparently agreed, voting 21-4 for his resolution to kill the plan.

The proposed agency would have included a new Department of Air Quality, Air Quality Standards Board, Department of Solid Waste Management and the Solid Waste Management Board, and the existing Water Resources Control Board and the regional water quality control boards, all under the wing of Tom Quinn, Air Resources Board chairman and a member of Brown's cabinet.

The idea of merging all these pollution-control elements has been before the Legislature before, but the Governor sought to make the change by executive action; this, however, was subject to veto by either the Senate or Assembly.

Brown's pace is brisk in first six months of vetoeing bills

It's not that there have been so many gubernatorial vetoes of legislation — something like 16 by one count. But each one can be counted on to generate at least one wail of anguish — from the bounced bill's author — and that will be translated into a headline somewhere in the state. Nevertheless, 16 vetoes of the 156 measures that reached the Governor's desk *is* slightly better than 10 percent of the total — and that is greater than the rejection rate of the two previous occupants of the corner office. Ronald Reagan vetoed only 4.5 percent in his first year, and Edmund G. Brown Sr. 7 percent, according to the count of reporter George Murphy of the *San Francisco Chronicle.*

Prepaid health plans will be reissued under strict rules

The state will call in its existing prepaid health plans, set up under a Reagan administration program in 1971, according to Secretary Mario Obledo of the Health and Welfare Agency. The PHPs will be replaced by new entities, more strictly controlled, to be called "institutes of medical service." Obledo said that "in setting up the institutes we are warning those that seek to profit from human illness to go elsewhere."

The PHP program has been marked by cases of fraud, conflicts of interest and shoddy medical care for the 15 percent of all Medi-Cal recipients who opted for that means of delivery of medical services.

The new plan accepts the prepaid concept, but seeks to give the medical consumer a greater role in its operation. Under this plan, each institute must have a governing board with at least one-third of its membership made up of consumers and the rest of public members with no financial stake in the program. Doctors dominate the PHPs. [See "The Medi-Cal mess," *CJ*, February 1975.]

Criminal council continues operation on borrowed time

The Council on Criminal Justice, which supervises federal crime-prevention grants in California, began what may be its last year of operation July 1st, two weeks after Governor Brown named six members to it. "If we are doing something that doesn't work," Brown told the council, "we should say so. One of the things we are not doing is reducing crime." Current projects will not be affected, the Governor said, but the entire program will be up for review in a year. "We have to cut through all that red tape, that verbal cellophane and the wheel-spinning," he said. "I must have spent 20 hours trying to thread my way through that pretzel palace." Brown's chief of staff, Gray Davis, was named earlier to chair the council.

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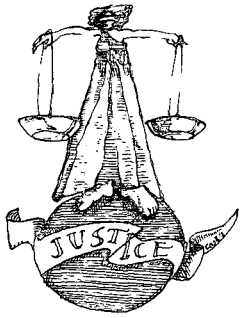
Making room at the top

The days when a California politician gets an advantage just because he happened to be christened Aaron Aardvark apparently are over. In a unanimous opinion, the state Supreme Court has ruled unconstitutional election procedures that place an incumbent's name at the top of the ballot or list names of candidates in alphabetical order. In *Gould* v. *Grubb*, Justice Mathew O. Tobriner wrote that these positional preferences violate the equal-protection clauses of both the state and federal Constitutions.

Renée Gould and Richard Palmer, candidates for Santa Monica City Council, challenged a local ordinance giving the top spots on the ballot to incumbents. In upholding a superior court ruling, the high court noted that there was abundant expert testimony to sustain a finding that candidates at the top of the list enjoy substantial advantages over their opponents.

What are the alternative methods of determining ballot position? The court did not issue a definitive ruling on this point but did offer two alternatives -- rotation of names and use of a lottery. Under rotation, if there were four candidates, each would appear in each of the four positions on one-fourth of the ballots. The lottery method would be up to local officials — a roll of dice, a cutting of playing cards, or perhaps the flip of a coin.



Pinning down terms

Piece by piece, the Supreme Court has been dismantling California's indeterminate-sentence system for incarceration of felons. Earlier this year, the court ruled that an inmate must be given a release date within a reasonable time after his detention. In a second case, *Rodriguez on Habeas Corpus*, the court took two more steps -- banning the use of the one-year-to-life sentence to imprison a convict indefinitely under certain circumstances and establishing a "primary-term" system for the Adult Authority.

Rudolfo Rodriguez pleaded guilty in 1952 of sexually fondling a six-year-old girl. He was 26, had an IQ of 68, was illiterate and unskilled, and had previously been confined to a mental hospital. He was given an indeterminate term of one year to life and, 22 years later, he had still not been given a parole date because the Adult Authority did not feel him ready for release.

The decision, written by Chief Justice Donald Wright, found that Rodriguez had been subjected to cruel and unusual punishment because his primary term had not been proportionate to the offense. The court noted that his term exceeded the maximum under California law for manslaughter and assault with intent to murder. Wright, with Justices Mathew Tobriner, Stanley Mosk and Raymond Sullivan concurring, said the Adult Authority must establish primary terms for each inmate reflecting the circumstances existing at the time of the offense and cannot allow prisoners to remain incarcerated indefinitely without release dates.

Justice Frank Richardson wrote an opinion agreeing on the Rodriguez decision but dissenting on that portion of the decision requiring that the maximum term be set promptly. Supported by Justices Marshall McComb and William P. Clark Jr., Richardson said that the indeterminate-sentence law should be applied on a case-by-case basis and that any changes in the system should be made by the Legislature, not the Court.

Empty benches

Without comment, the Supreme Court denied a petition by a Los Angeles lawyer to compel Governor Brown to fill judgeship vacancies. The petition had previously been denied by the Court of Appeal. In *Good* v. *Brown*, Los Angeles trial attorney Ned Good asserted that Brown has a constitutional duty to fill the 53 vacancies (at the time the suit was filed), and that the court should compel the Governor to do so.

Anthony Kline, Brown's legal affairs secretary, has indicated that the Governor does not intend to fill all the vacancies because some of the judgeships were created for political purposes and because it is overly expensive to operate courts.

Selected government reports

Along for the Ride; a report to the Legislature sponsored by the Assembly Committee on Transportation. October 1974. A comprehensive document on transportation problems facing California. 175 pp. Available from the committee, Room 2167, State Capitol, Sacramento 95814. ($3.25)

Telecommunications and the Public Interest: Needs and Prospects in California: a report of the Joint Committee on Telecommunications. December 1974. Recommendations growing out of public hearings and studies for legislation to maximize use of telecommunications in the public interest. 235 pp. Available from the committee, 1116 9th St., Room 58, Sacramento 95814.

The California Clean Car Project: Final Report; by the Assembly Office of Research. November 1974. A study of the steam car's potential as a long-term solution to harmful emissions. Recommends more industrial effort in this direction. 144 pp. Available free.

Public Sector Labor Relations: Recent Trends and Developments; by the Council of State Governments, Iron Works Pike, Lexington, Ky 40511, January 1975. Emphasizes significant developments in public-sector employee relations, and focuses on court and agency decisions. 51 pp. ($5.00)

California Alcoholism Program Management: Review and Current Status; by the Office of Alcoholism Program Management, Health and Welfare Agency. 26-page booklet briefly discusses programs, services, guidelines, highlights, and financial resources, and evaluates progress. Available from OAPM, 825 15th St., Sacramento 95814.

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ROLL CALL

Taking care of number one

One of the prime orders of business for legislators upon resumption of activity this month following the July recess is supposed to be taking care of number one — an increase in lawmakers' pay from $21,120 a year to $23,232 starting in December 1976. The measure, authored by the Senate Rules Committee, has already cleared the upper house and is expected to be approved by the Assembly. On economic grounds, legislators are undoubtedly entitled to much more of an increase than the 5 percent a year authorized by the Constitution. Inflation has been running above that rate, and many lawmakers suffered a severe fiscal setback with enactment of the Fair Political Practices Act, which virtually eliminated their free meals, booze and almost anything else they wanted, thanks to lobbyists. Lawmakers today are probably much worse off than they were when the current salary level was established, and the only recourse is to change the system of approving increases. A bill is working its way through the Legislature to have the State Personnel Board set the salary — a move that would lift the 5 percent limit and also take the onus of raising salaries off the legislators.

Schools and bargaining

The legislature and Governor Edmund G. Brown Jr. are also tackling the school finance problem and collective bargaining for public employees. If the Legislature cares to act, there is only a short way to go in resolving the details on a collective-bargaining act, but there is some obvious reluctance on the part of lawmakers to pass anything in this field. The reason is that there are potential political pitfalls if public employee salaries rise dramatically and taxes follow suit. The taxpayers would then put the blame on their representatives in Sacramento, who made it all possible.

Just before the recess, a group of liberal Democratic lawmakers put another politically dangerous measure on the griddle — one banning private ownership and possession of handguns. Some legislators still blame a gun bill for producing the defeat of former Democratic caucus chairman Win Shoemaker several years ago, and they are fearful that the issue could get them as well.

Common Cause, one of the outfits that brought Californians the Political Reform Act of 1974, is talking about going before the voters again if legislators fail to approve a public-financing system for state elections. Despite the threat, the Legislature does not appear ready to take the step.

During the July recess, Governor Brown signed numerous bills into law, including the controversial measure by Senator George Moscone making possession of an ounce or less of marijuana punishable by a fine of up to $100. There is considerable disagreement as to whether enactment of the bill will result in more or fewer pot arrests.

Senate

BUSINESS AND CONSUMER AFFAIRS

SB 261 (Roberti) — Requires grocery stores to stamp prices on all items. Passed 21-4.

SB 676 (Mills) — Prohibits oil refiners or producers from owning gasoline stations starting in 1976. Failed, 18-18.

SB 775 (Mills) — Permits opticians to offer products at discount and advertise optometrists' services. Failed 15-19.

CRIME

SB 768 (Richardson) — Makes intentional detonation of an explosive punishable by life imprisonment without possibility of parole or by death where loss of life results. Passed 22-10.

SB 889 (Song) — Makes it a felony for a police officer to file a false report about a crime. Passed 21-14.

EDUCATION

SB 160 (Rodda) — Creates five-member board to supervise employer-employee bargaining between school districts and their employees. Passed 23-9.

SB 220 (Rodda) — Appropriates $115 million for public schools. Failed 24-11 (27 votes required).

SB 1213 (Smith) — Prohibits using public funds for athletic programs involving sexual discrimination. Passed 21-16.

SB 471 (Rodda) — Places $50 million bond proposal for higher education on the ballot. Passed 27-7.

SB 719 (Roberti) — Prohibits use of professional strikebreakers. Passed 21-14.

EMPLOYMENT

SB 46 (Dills) — Repeals law requiring adult children to support their parents on welfare. Passed 26-8.

HEALTH

SB 86 (Moscone) — Licenses acupuncture practitioners. Passed 28-4.

SB 661 (Song) — Requires medical malpractice suits to be filed within three years of injury. Passed 21-12.

HOUSING

AB 1x (Chacon) — Creates state Housing Finance Agency and provides for issuance of $500 million in bonds if approved by electorate. Passed 33-6.

SB 258 (Gregorio) — Creates $5 million Housing Rehabilitation Insurance Fund for so-called redlined residential areas. Passed 28-4.

TAXATION

SB 100 (Mills) Increases gasoline tax from 7 cents per gallon to 8 cents. Passed 23-7.

SCA 1 (Dunlap) — Reduces vote needed on business

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SENATE (25 D, 15R)	SB 261 SB 676 SB 775 SB 768 SB 889	SB 160 SB 220 SB 1213 SB 471 SB 719	SB 46 SB 86 SB 661 AB 1x SB 258	SB 100 SCA 1 SB 199 SB 442 SB 610		SB 261 SB 676 SB 775 SB 768 SB 889	SB 160 SB 220 SB 1213 SB 471 SB 719	SB 46 SB 86 SB 661 AB 1x SB 258	SB 100 SCA 1 SB 199 SB 442 SB 610
Alquist (D)	YY**Y	YYY*Y	YYYYY	*YN*Y	Moscone (D)	YYNNY	*YYYY	*YNY*	YY*YY
Ayala (D)	YYYYY	YYNYY	NYNYY	YYYNY	Nejedly (R)	YNNYN	YYYYN	*NNYY	NYYNN
Behr (R)	YYY*Y	YYYYN	YYYYY	YYYYN	Petris (D)	*YNNY	YY*YY	YYNYY	YYYYY
Beilenson (D)	*YYNY	YYYYY	Y*NYY	YYYYY	Presley (D)	YNNYN	YY*NY	YYYYY	YYYYY
Berryhill (R)	NNNYN	NNNYN	YYYY*	YNYNN	Rains (D)	YYNYN	*YYY*	YYYYY	YYYYN
Carpenter (R)	*NNYN	NNNNN	NNYN*	*NYNN	Richardson (R)	*NYYN	N*N*N	*YYNN	NNNNN
Collier (D)	YNNYY	YNNYN	YYYYY	YYYNN	Robbins (D)	*YNY*	*YYYY	Y*YYY	YY*YY
Cusanovich (R)	*N*YN	Y*NNN	YYYYN	YNYNY	Roberti (D)	YYYNY	YYYYY	YYNYY	YYYYY
Deukmejian (R)	YNNYN	NNNNN	NNNNY	NNYNY	Rodda (D)	*YY*Y	YYYYY	YYYYY	YYYYY
Dills (D)	*N*YN	YNNYY	YYYYY	*YYNY	Russell (R)	NNNYN	NYNNN	NYYNY	NNNNN
Dunlap (D)	YYNNY	YYYYY	YYYYY	*YYYY	Schrade (R)	YNYYN	YNYYN	NYNYY	YNYNY
Garcia (D)	YY**Y	*YY*Y	YY*Y*	*YYYY	Smith (D)	YYNNY	YYYYY	YYNYY	YYYYN
Gregorio (D)	*YYNY	YYYYY	YY*Y*	YYN*Y	Song (D)	Y*YNY	*YN*Y	Y*YYY	*YYYY
Greene (D)	YYYNY	YYYYY	YYYYY	YYYYY	Stevens (R)	**YYY	YNYYY	YYYYY	NNYNY
Grunsky (R)	**NYN	Y*NYN	Y*YYY	*NYNY	Stiern (D)	YNNYY	NNYYN	*NYYN	YYY*N
Holden (D)	YYY*Y	YYYYY	YY*YY	YYYYY	Stull (R)	YNNYN	NNNNN	NYNYY	YNNNY
Holmdahl (D)	YYY*Y	*NNYY	YYYYY	NYYNY	Way (R)	NNN*N	NYNNN	NYYN*	YNYNN
Kennick (D)	*****	*****	*****	*****	Wedworth (D)	*N*Y*	Y*NYN	Y*NYY	*YYNY
Marks (R)	YNNN*	YYYYY	YY*YY	NYYYN	Whetmore (R)	NNYY*	NNN*N	N**NN	*NYNY
Mills (D)	*YYYY	*YYYN	YY*Y*	YYYYY	Zenovich (D)	*NNYY	YYYYY	**NYY	YYYNY

tax increases from two-thirds to a simple majority, subject to voter approval. Adopted, 27-12.

MISCELLANEOUS

SB 199 (Beilenson) — State budget for 1975-76, $11.6 billion. Conference report adopted, 32-5.

SB 442 (Beilenson) — Establishes system of public financing of state offices. Failed, 17-19.

SB 610 (Senate Rules Committee) — Increases legislators' salaries from $21,120 per year to $23,232. Passed 27-12.

Assembly

BUSINESS AND CONSUMER AFFAIRS

AB 590 (Berman) — Adds six public members to the governing board of the State Bar and requires that board meetings be public. Passed 59-10.

AB 651 (Alatorre) — Establishes warranty system for used cars. Passed 41-29.

AB 1520 (Gualco) — Requires Public Utility Commission to appoint attorney to represent consumers before the PUC. Passed 45-19.

EDUCATION

SB 220 (Rodda) — Appropriates $115 million for public schools. Failed, 53-12 (54 votes required).

EMPLOYMENT

AB 91 (McAlister) — Increases weekly maximum unemployment benefit from $90 to $104. Passed 55-17.

AB 255 (Dixon) — Prohibits employers from asking job applicants about arrests that did not result in convictions. Passed 42-30.

AB 469 (Ralph) — Extends worker's compensation to household domestic workers, part-time gardeners and newspaper vendors. Passed 44-18.

AB 889 (Chacon) — Authorizes Fair Employment Practices Commission to investigate housing discrimination, $93,000 appropriation. Failed 43-29 (54 votes required).

HEALTH AND WELFARE

AB 1xx (Keene) — Regulates medical malpractice rates and attorney's fees in malpractice suits. Passed 67-8.

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through July. Votes selected involve issues of major importance, issues on which there was a major division of opinion, or both.

Y — Yes
N — No
★ — Absent or not voting

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority.
⅔ = 54 votes.

Senate: 21 votes required for passage of bills needing a simple majority.
⅔ = 27 votes.

AB 1234 (Berman) — Creates appeals board to hear welfare-recipient complaints. Passed 55-18.

JUSTICE

AB 194 (McAlister) — Limits instructions judges can give in rape cases, Passed 50-16.

AB 1441 (Murphy) — Requires delay of 15 days instead of five between purchase and delivery of guns. Passed 41-32.

AB 1506 (Sieroty) — Restores several civil rights to prisoners, Passed 44-23.

AB 1529 (Sieroty) — Prohibits isolating a prisoner for more than 16 hours a day without court order. Passed 54-16.

AB 1967 (Sieroty) — Repeals so-called Simpson Act making it a crime to picket inside the Capitol. Passed 58-13.

SB 95 (Moscone) — Makes possession of one ounce or less of marijuana a misdemeanor punishable by a fine of no more than $100. Passed 42-34.

MISCELLANEOUS

AB 1x (Chacon) — Creates state Housing Finance Agency and provides for $500 million in bonds if approved by people. Passed 68-9.

SB 199 (Beilenson) — State budget for 1975-76, $11.6 billion. Passed 67-11.

AB 1296 (Miller) — Establishes a special prosecutor to investigate corruption in government. Passed 43-30.

ACA 23 (Montoya) — Subject to voter approval, reduces the vote needed for passage of business tax measures from two-thirds to simple majority. Adopted, 58-20.

(Voting records, next page)

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ASSEMBLY (54 D, 25R)	AB 590 AB 651 AB 1520 SB 220 AB 91	AB 255 AB 469 AB 889 AB 1xxx AB 1234	AB 194 AB 1441 AB 1506 AB 1529 AB 1967	SB 95 AB 1x SB 199 AB 1296 ACA 23
Alatorre (D)	YYYYY	YYYNY	YYYYY	YYNYY
Antonovich (R)	YNNNN	NNNYN	YNNNN	NNNNN
Arnett (R)	YNNNN	NNNYY	YYNYY	NYYYN
Badham (R)	N*N**	*NN*N	NNNNN	NNNNN
Bane (D)	NYYYY	YYYYY	YYYYY	NYYYY
Bannai (R)	YNN*N	N**YN	NYNN*	NYYN*
Berman (D)	YYYYY	YYYYY	YYYYY	YYYYY
Beverly (R)	YNN*N	NYNYN	YY*NN	NYYNN
Boatwright (D)	**YYY	Y*YYY	*Y*YY	YYYYY
Briggs (R)	YNN*N	NYNYN	YNNNY	NNNNN
Brown (D)	*Y*Y*	Y*YNY	*YY*Y	YYNNY
Burke (R)	YNN*N	NNNYN	NNNNN	NNNNN
Calvo (D)	YYYYY	YYYYY	YYYYY	YYYYY
Campbell (R)	Y*NN*	NNNY*	YN*YY	NNYNN
Carpenter (D)	YYYYY	YY*YY	YNYYY	NYY*Y
Chacon (D)	**YYY	Y*YYY	*YYY*	YYYYY
Chappie (R)	YNN*N	N*NYN	YNNN*	NYYNY
Chel (D)	YYYYY	YYNYY	YYYYY	YYYYY
Chimbole (D)	YNYYY	NYNYY	YNNYY	NYYYY
Cline (R)	YNNNN	NNNYN	NNNNN	NNNNN
Collier (R)	Y*N**	*N*YN	NNN*N	NNY*N
Craven (R)	YN***	NNNYN	YNN*N	NYNNN
Cullen (D)	*YNYY	YYNYY	YNYYN	YYYYY
Davis (D)	*NYYY	NYNYY	YNNNN	NYYNY
Deddeh (D)	YYYYY	NYNYY	YYYYY	YYYYY
Dixon (D)	YY*YY	YYYYY	YYYYY	YYYYY
Duffy (R)	*NYNY	NNYY*	YN*NY	NYYNN
Egeland (D)	YY*YY	*YYYY	YYYYY	YYYYY
Fenton (D)	YYYYY	NYNYY	YYYYY	NYYNY
Foran (D)	*YNYY	Y*YYY	*YY*Y	YYYYY
Garamendi (D)	YNYYY	NYYYY	YNYYY	YYYYY
Goggin (D)	YYYYY	YY*Y*	NY*YY	YYY*Y
Greene, L. (D)	YY*YY	Y*YYY	*NYYY	YYY*Y
Gualco (D)	YYYYY	***YY	YNYYY	YYYYY
Hart (D)	YYYYY	YYYYY	YYYYY	YYYYY
Hayden (R)	Y*Y*Y	N*N*Y	YN*NY	NYNNY
Ingalls (D)	YNYYY	YY*Y*	N**YY	YYYYY
Kapiloff (D)	YYYYY	YYY*Y	YYYYY	YYY*Y
Keene (D)	YYYYY	Y*YYY	N*YYY	YYYYY
Keysor (D)	YY*YY	YYYYY	YYYYY	YYYYY
Knox (D)	NY*YY	YYYYY	*YYYY	YYYYY
Lancaster (R)	YNN*N	NNNYN	NNNNN	NNYNN
Lanterman (R)	YN*NN	N*NYY	NYNYY	NYYNN
Lewis (R)	NN**N	NN*NN	YNN**	NYYNN
Lockyer (D)	YYYYY	YYYYY	YYYYY	YYYYY
MacDonald (D)	YNYYY	NYNYY	*YYYN	YYYYY
Maddy (R)	NNY*Y	YYYNY	YNYYY	*YYYY
McAlister (D)	YYYYY	YYYYY	YNNYY	NYYYY
McCarthy (D)	YYYYY	YYYYY	*YYYY	YYYYY
McLennan (R)	*NNNN	NNNYN	YYNNN	NNYNN
McVittie (D)	YYYYY	YNYYN	YNYYY	NYYYY
Meade (D)	YY*Y*	**YNY	Y**YY	Y*YYY
Miller (D)	YYYYY	Y*YYY	NYYYY	YYYYY
Mobley (R)	NNNNN	NNNYN	*NNN*	NYYNN
Montoya (D)	YY*YY	YYYYY	*YY**	NYYYY
Mori (D)	YYYYY	*YYYY	YNYYY	YYYYY
Murphy (R)	NNNNN	NYYYY	NY*YY	*YYNN
Nestande (R)	NN*NY	NYNNY	Y*YYY	NYYNN
Nimmo (R)	YNN*N	NNNYN	NNNNY	NYYNN
Papan (D)	YYYYY	YYYYY	NYYYY	YYYYY
Perino (D)	**YYY	YNYYN	YNYYY	NYYNY
Priolo (R)	YNYNN	NYNYN	YNNYN	NYYNY
Ralph (D)	YYYYY	YYYYY	*Y*YY	YYYYY
Robinson (D)	YYYYY	*YYYY	YNN*Y	YYN*Y
Rosenthal (D)	YYYYY	YYYYY	YYYYY	YYYYY
Siegler (D)	YYYYY	YYYYY	YYYYY	YYYYY
Sieroty (D)	YY*YY	YYYYY	YYYYY	YYYYY
Suitt (D)	YNYYY	N*NY*	Y***Y	NYYYY
Thomas, V. (D)	YYYYY	YYNYY	*NYYY	NYYNY
Thomas, W. (R)	YNNNN	NNNYY	YNNNY	NYYNN
Thurman (D)	YNYYY	Y*YYY	NNNYY	YYYNY
Torres (D)	YYYYY	YYYNY	YYYYY	YYNYY
Tucker (D)	*****	Y*Y**	*****	***YY
Vasconcellos (D)	YYYYY	YYYYY	YYYYY	YYYNY
Vicencia (D)	YYYYY	YYYNY	YYYY*	YYYYY
Warren (D)	YY*YY	Y*YYY	YYYYY	YYYYY
Wilson (D)	NNYYY	NYNYY	NYYYY	YYYYY
Wornum (D)	YYYYY	YYYYY	YYYYY	YYYYY
Z'berg (D)	N*YYY	YNYYY	YYYYY	YYYYY
(one vacancy)				

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areas, including the need to explore greater regional cooperation among the segments, extended learning, and new affirmative-action means. It remains to be seen, though, whether the commission will prove to be an effective planning and coordinating body.

The increased importance of student choices represents a means for change. To the extent that students are free to exercise their options among programs and campuses, they will be able to force re-allocation of resources by "voting with their feet".

The Postsecondary Alternatives Study of the Joint Committee on Postsecondary Education may prove to be the greatest means for change. If the study proposes a "fourth segment", many of the pressures for diversity and new programs could be handled by a new system specializing in alternative education plans. The existence of such a system would also create competitive pressures for changes within the traditional segments.

One other likely possibility exists. That is that higher education will continue to perceive itself as eternal, while the pressure from the state to change becomes irresistible. The prospect of what happens when an immovable object meets an irresistible force could point to an academic Armageddon.

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A WASHINGTON PERSPECTIVE...

By GEORGE MILLER

The author is a freshman Democratic Congressman from Contra Costa County.

Getting oil off the shelf

History repeats. But in this case the repetition is much more complicated than the original, with overtones and undertones and magnified volume and a quickened tempo (*molto agitato,* if you please).

Just seven years ago the Department of the Interior was putting the finishing touches on its plan to lease 363,000 acres of ocean floor off California's coast for the development of oil and gas. The motivation was money for the federal treasury. The department hoped to reap a cash offer near $300 million. The only organized opposition came from the Sierra Club, the Santa Barbara County Supervisors and a few Santa Barbara residents. The State of California showed little interest. Congress paid almost no attention, except for Phillip Burton of San Francisco, who pestered Interior about measures to protect against environmental damage. He also asked about the leasing method in terms of greatest financial return to the government. Interior promised that environmental protection requirements would be equal to what the California Lands Commission required of its lessees within the three-mile offshore zone. As to financial terms, Interior claimed superior knowledge and forged ahead.

When the bids were opened a few weeks later, Interior was delighted with a top offer of $603 million. Equipment was floated into the Santa Barbara Channel and drilling began. On January 28, 1969, the disastrous Union Oil Company blowout occurred. (Oil is still spilling, though at a reduced rate.)

Subsequent investigations revealed that the Department of Interior was exercising practically no supervision over the drilling operation. As for financial return, a Geological Survey representative told a House subcommittee that Interior, expecting only $300 million, knew far too little of the true worth of the lease. Hence, $603 million may well have been millions of dollars *less* than a fair price.

Now Interior is preparing for another foray into Santa Barbara Channel leasing, this time involving 1.6 million acres between Ventura and Orange counties. This time not so much for money, they say, as for lessening U.S. dependence on imported oil. This time, says Interior, great technological advances will protect California from environmental devastation. This time the unbelievers are legion. This time the environmentalists, the State of California and Congress are much more interested, much more informed and much more organized. And this time the State of California is active once again on several fronts with Governor Brown, Controller Cory and Attorney General Younger taking the lead.

* * *

Legislation to establish an outer continental shelf policy is pending in both the Senate and the House. House Speaker Carl Albert, at the suggestion of New York Congressman John Murphy, named a Select Ad Hoc Committee on the Outer Continental Shelf and charged it with developing a policy by January 31, 1976. California should keep in mind, however, that the main stimulus for this new congressional interest is Interior's announced intention of leasing 10 million acres of land on the outer continental shelf. Come hell or high water, Interior remains determined to resume leasing off Southern California before the year's end. After several readjustments, the most recent deadline is October.

This makes California a special case, but it hasn't been easy to get that point across in Washington. After Congressman John Moss of Sacramento pointed out to the Speaker that the continental shelf committee includes no Californians, the Speaker added me and Charles Wiggins of Fullerton. The committee already has conducted a series of hearings in Washington and made field trips to study oil operations in the Gulf of Mexico and the North Sea, and two hearings are to be held in California this month. Senators Cranston and Tunney have been active in California's behalf in the Senate, and at this writing, a bill is in its final stages.

Increasingly, House committee members are questioning the need to proceed hastily on the department's 10-million-acre program since there is little hope that new oil sources will be developed in time to alleviate present domestic shortages. Wouldn't it be better to develop a comprehensive policy geared to long-range energy needs? Shouldn't the states be allowed to complete their coastal zone plans before facing the tremendous onshore impact that will result from offshore oil operations? Shouldn't Interior's own Bureau of Land Management be given time to complete its baseline environmental studies? Shouldn't Interior consider leasing plans paying greater revenue returns?

* * *

California is prepared to submit a coastal zone plan to the Legislature next year. Why can't Interior wait and let the procedure outlined in the federal coastal zoning act take its course? California leasing is not really necessary at this time, since Alaska's North Slope is expected to produce oil within the next three years, most of which will be processed in California. Because California doubts the ability of Interior to monitor leases covering 1.6 million acres (not to mention 10 million acres), the state would like to have some say in the protection of its coast. Drilling off Southern California will be at depths of 600 feet; even oil-industry representatives admit that technology is hardly adequate at those depths. Unlike the Gulf of Mexico, where platforms are 40 miles seaward, California operations will be much closer to shore, making spills more difficult to handle without serious damage to marine life and beaches. Finally, shouldn't the United States consider sharing this oil revenue with the coastal states that have to bear the onshore impact burden of such massive operations?

There is always the hope that such questioning may convince the Department of the Interior to reexamine its whole approach to development of the outer continental shelf. If so, a consonant action would be to back off from the determination to resume leasing off the Southern California coast until a comprehensive policy and plans are developed.

Lou Cannon is spending the summer at an academic retreat high in the Rocky Mountains to write a book on political journalism. His column will resume upon his descent. In his absence, this space will be filled by Washington-based guest columnists.

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Announcing . . .

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In short, this will be a book crammed with just about anything you will want to know about California government and politics.

The Annual

Edited primarily for classroom use, the sixth edition will be larger than its predecessors to provide expanded coverage of the major issues in California government today. Most of the articles are drawn from the past year's issues of *California Journal*. The *Annual* offers by far the most current information on California government and politics available for ready reference and classroom use. The 1975-76 edition will contain new sections on transportation and Proposition 9 and political reform.

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Both books are being prepared by the California Center for Research and Education in Government, publisher of *California Journal*. The price of either the *Annual* or the *Almanac* is $2.95 per copy. Place your order by writing California Journal, 1617 10th St., Sacramento 95814. Advance orders are now being accepted.

The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding. —Louis Brandeis

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